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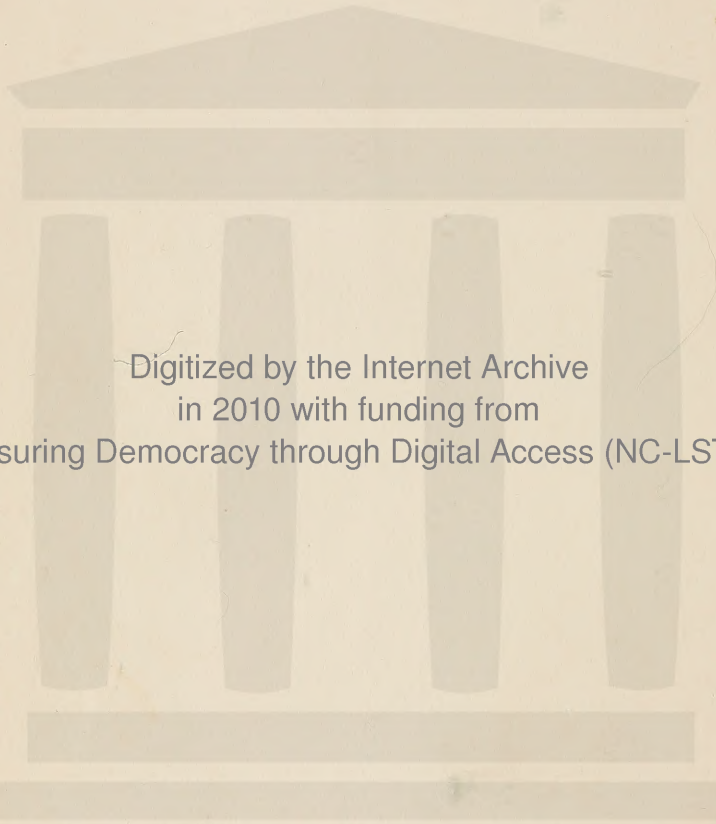
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**PUBLIC LAWS**

OF THE

**STATE OF NORTH CAROLINA,**

PASSED BY THE

**GENERAL ASSEMBLY**

AT THE

**SESSIONS OF 1866 '67.**

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RALEIGH :  
WM. E. PELL, STATE PRINTER,  
1867

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PUBLIC LAWS  
OF  
NORTH CAROLINA.  
1866-'67.

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AGRICULTURE.

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CHAPTER I.

AN ACT TO SECURE ADVANCES FOR AGRICULTURAL PURPOSES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That if any person or persons shall make any advance or advances, either in money or supplies, to any person or persons, who are engaged in or about to engage in the cultivation of the soil, the person or persons, so making such advance or advances, shall be entitled to a* Provides for lien on crops in favor of those making advances. *lien on the crops which may be made during the year upon the land in the cultivation of which the advances so made have been expended, in preference to all other liens existing or otherwise, to the extent of such advance or advances: Provided, An agreement in writing shall be entered into before any such advance is made to this effect, in which shall be specified the amount to be advanced, or in which a limit shall be fixed beyond which the advance, if made from time to time during the year, shall not go; which agreement shall be recorded in the office of the register of*

the county in which the person to whom the advances are made resides, within thirty days after its date.

SEC. 2. *Be it further enacted*, That if the person making such advances shall make an affidavit before the Clerk of the Court of Common Pleas of the county in which such crops are, that the person to whom such advances have been made, is about to sell or dispose of his crop, or in any other way is about to defeat the lien hereinbefore provided for, accompanied with a statement of the amount then due, it shall be lawful for him to issue his warrant, directed to any of the Sheriffs of this State, requiring them to seize the said crop, and, after due notice, sell the same for cash, and pay over the nett proceeds thereof, or so much thereof as may be necessary, in the extinguishment of the amount then due: *Provided, however*, That if the person to whom such advances have been made, shall, within thirty days after such sale has been made, give notice in writing to the Sheriff, accompanied with an affidavit to this effect, that the amount claimed is not justly due, that then it shall be the duty of the said Sheriff to hold the proceeds of such sale subject to the decision of the Court, upon an issue which shall be made up and set down for trial at the next succeeding term of the Court of Pleas and Quarter Sessions for the county in which the person to whom such advances have been made resides: *Provided, further*, That said lien shall not affect the rights of landlords to their proper share of rents.

Warrant to  
Sheriffs to  
seize the crops  
on affidavit  
that the lien  
is about to be  
defeated.

Rights of  
landlords un-  
affected.

SEC. 3. *Be it further enacted*, That this act shall be in full force and effect from and after its ratification.

Ratified March 1, A. D., 1867.



## CHAPTER II.

## AN ACT TO TRANSFER THE LAND SCRIP GIVEN BY THE UNITED STATES TO THE STATE OF NORTH CAROLINA.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That the Land Scrip given by the United States to the State of North Carolina, for establishing an Agricultural College, be and the same is hereby transferred to the Trustees of the University of the State, for the purpose of effecting the object of the grant: *Provided*, That the University shall comply with the Act of Congress and make its leading object to teach such branches of learning as are related to Agriculture and the Mechanic Arts, without excluding other scientific studies and including Military Tactics.

Transferred  
to the Trustees of the  
University.

SEC. 2. *Be it further enacted*, That the Trustees of the University be and they are hereby instructed to dispose of the same as they may think best, and with the proceeds to establish, in addition to the course of instruction, prescribed in the regular curriculum of the University, two professorships, in which the leading object shall be, without excluding other scientific and classical studies, and including Military Tactics, to teach such branches of learning as are related to Agriculture and the Mechanic Arts, in such manner as the General Assembly may prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

Trustees to  
dispose of the  
same and es-  
tablish two  
Professor-  
ships.

SEC. 3. *Be it further enacted*, That it shall be the privilege of the County Court, in each county in this State, forever to select annually one native of the State, resident in said county, of good moral character and capacity for usefulness, without the requisite means to defray the necessary expenses of education, who shall be admitted to any classes in the University, for which he may be prepared, free of all charges for tuition and room rent, so that each county may always have one representative at the Institution.

Each County  
Court in the  
State may se-  
lect, annually,  
one native res-  
ident for gra-  
tuitous in-  
struction in  
the University

Pupils may be admitted to the Branches of agriculture, &c., without previous literary training.

SEC. 4. *Be it further enacted*, That in order to promote the liberal and practical education of the industrial classes of the State, pupils may be admitted to the branches of Agriculture and Mechanic Arts, who possess the requisite qualifications for those studies, without requiring the previous literary training requisite for admission into the regular college courses.

Ratified February 11, A. D., 1867.

## AMNESTY.

### CHAPTER III.

AN ACT GRANTING A GENERAL AMNESTY AND PARDON TO ALL OFFICERS AND SOLDIERS OF THE STATE OF NORTH CAROLINA, OR OF THE LATE CONFEDERATE STATES ARMIES, OR OF THE UNITED STATES, FOR OFFENCES COMMITTED AGAINST THE CRIMINAL LAWS OF THE STATE OF NORTH CAROLINA.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That no person who may have been in the civil or military service of the State, as officers or soldiers of the militia, officers or soldiers of the home guard, officers and soldiers of the local police, officers and soldiers of the late Confederate States, or as officers and soldiers of the United States, shall be held to answer on any indictment for any act done in the discharge of any duties imposed on him purporting to be by a law of the State or late Confederate States Government, or by virtue of any order emanating from any officer, commissioned or non-commissioned, of the Militia or Home Guard, or local police of North Carolina, or any officer, commissioned or non-com-

Shall not be held to answer on any indictment for acts done in discharge of duties imposed by law or orders.



missioned, of the late Confederate States Government, or any officer, commissioned or non-commissioned, of the United States Government: That no one of the above named officers or privates, who now are or may hereafter be indicted for any homicides, felonies or misdemeanors, committed prior to the first day of January, A. D., 1866, shall be held to answer for the same, but shall be entitled to a full and complete amnesty, pardon and discharge from the same upon the payment of the costs: *Provided*, they shall not be taxed with the payment of the costs upon any indictment preferred against them, from and after the passage of this bill; or, in other words, that no officers or privates in any of the above named organizations, against whom no indictment is now pending, shall be liable to prosecution for any offence committed against the criminal laws of North Carolina prior to the 1st day of January, A. D., 1866, as aforesaid.

SEC. 2. *Be it further enacted*, That in all cases where indictments are now pending, either in the County or Superior Courts, if the defendant can show that he was an officer or private in either of the above named organizations at the time, it shall be presumed that he acted under orders until the contrary shall be made to appear.

Presumption that act was done by order, until contrary appears.

SEC. 3. *Be it further enacted*, That all private citizens, who, on account of age or from any other cause, were exempt from service in any or all of the above named organizations, who, for the preservation of their lives or property, or for the protection of their families, associated themselves together for the preservation of law and order, in their respective counties or districts, shall be entitled to all the benefits and provisions of this act.

Provisions extended to organizations of exempts from service.

SEC. 4. *And be it further enacted*, That no person who may have been in the civil or military service of the State, or late Confederate States Government, or in the service of the United States Government, in either of the above named organizations, shall be held liable in any civil action for any act done in the discharge of any duties imposed upon him by any law or authority purporting to be a law of the State or late Confederate States Government.

Not liable in civil action.



SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified December 22, A. D., 1866.

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## CHAPTER IV.

### AN ACT TO GRANT AMNESTY AND PARDON TO FEMALES.

Provisions of chapter 3 extended, as far as applicable, to Females.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the provisions of a law, passed by this General Assembly at its last session, and ratified the 22d day of December, 1866, entitled "An Act granting a general amnesty and pardon to all officers and soldiers of the State of North Carolina, or of the late Confederate States armies, or of the United States," for offences committed against the criminal laws of the State of North Carolina, be and the same are hereby extended, as far as the same is applicable, to all females, who may at any time, from the 20th day of May, 1861, to the 20th day of May, 1865, have violated any of the criminal laws of the State, by making raids upon any county, State or Confederate States Commissaries or Quartermaster, or other person or persons, who had in his possession supplies or Quartermaster stores belonging to the public, or who may have broken into or entered, or taken from any Commissary or Quartermaster depot, or other place where provisions or Commissary or Quartermaster stores were kept, or any other place where unusual quantities of provisions, supplies or Quartermaster or Commissary stores, either by the aforesaid Quartermaster or Commissary or other persons, speculators or producers, were kept, for the purpose of hoarding, speculation or re-rating the same; and if any bill of indictment has been found and is now pending in any Court of record in this State against any female, for the commission of the

aforesaid offences, it shall be the duty of the Solicitor for said Court to enter a *nolle prosequi*, and if any bill of indictment shall come on to be heard and determined before any Judge of the Superior Court or Court of Pleas and Quarter Sessions, it shall be the duty of the Judge or County Court, before which the same may come, to order the discharge of the defendant upon the payment of the cost, and if it appear that the defendant is unable to pay the cost, to order her unconditional discharge.

SEC. 2. *Be it further enacted*, That this act shall take effect from its ratification.

Ratified March 1, A. D., 1867.

## APPEALS.

### CHAPTER V.

#### AN ACT CONCERNING APPEALS IN CRIMINAL CASES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That any person convicted of a capital felony in any Court of this State, and sentenced to die, who, in the judgment of the Court before whom the cause is tried, shall be unable to give security for an appeal to the Supreme Court, shall be permitted to take such appeal without security. Appeals without security allowed in certain cases.

SEC. 2. *Be it further enacted*, That in all such appeals, where the appellant fails, the costs of the Clerk of the appellate Court shall be paid, if so directed by the Court, of the county where the prosecution originated. Costs, how paid, if appellant fails.

SEC. 3. *Be it further enacted*, That all laws and clauses of laws, coming in conflict with the provisions of this act,



be and the same are hereby repealed, and that this act shall be in force from and after its ratification.

Ratified December 22, A. D., 1866.

## APPRENTICES.

### CHAPTER VI.

AN ACT TO AMEND THE 5TH CHAPTER OF THE REVISED CODE,  
ENTITLED "APPRENTICES."

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the 1st section of the 5th chapter of the Revised Code, entitled "Apprentices," be amended by striking out the words "also the children of free negroes where the parents, with whom such children may live, do not habitually employ their time in some honest, industrious occupation, and all free base born children of color," after the word "mother," in the 14th line, and insert, in lieu thereof, the words "and all base born children whose mothers may not have the means or ability to support them," and that the second section of said chapter be amended by striking out the words "if white, but if colored, till twenty-one," after the words "eighteen years," in the fourth line.

Amends sec.  
1, ch. 5. Rev.  
Code,

Indentures  
heretofore  
made without  
bond declared  
binding.

SEC. 2. *Be it further enacted,* That all indentures for the apprenticeship of infants heretofore made and entered into without a bond from the person to whom the infants were bound, be, and the same are hereby, declared as valid and binding as though a bond had been given.

Repeals sec.  
5, ch. 1, Rev.  
Code.

SEC. 3. *Be it further enacted,* That the 5th section of said chapter be, and the same is hereby repealed, and that all other laws and parts of laws discriminating between



whites and blacks in the apprenticing of children, be, and they are hereby repealed.

Ratified the 26th day of January, A. D., 1867.

## ASYLUMS.

### CHAPTER VII.

#### AN ACT PROVIDING FOR THE SUPPORT OF THE INSANE ASYLUM.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That the sum of forty thousand dollars, be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to the "Insane Asylum," for the support of the same, for the fiscal year 1866 and 1867, and a like sum of forty thousand dollars for the support of the same for the fiscal year 1867 and 1868, and the Board of Supervisors of said "Insane Asylum" are hereby authorized and empowered to draw any part or all of said sum of forty thousand dollars, and no more, for the year for which they are appropriated: *Provided, however,* That if the number of patients, treated in said "Insane Asylum," shall exceed in number the annual average of one hundred and sixty, then and in that case, the Governor, as ex-officio chairman of said board, by and with the advice and consent of the said board, in general meeting assembled, may be and is hereby authorized to draw from the State Treasury a sum equal to two hundred and fifty dollars for each and every patient treated in said "Asylum," above the annual average of one hundred and sixty, for either of the aforementioned fiscal years 1866 and 1867 and 1867 and 1868.

[Appropriates \$40,000 for each of fiscal years 1866-'67, and 1867-'68.]

If the number of patients shall exceed annual average of 160, then further appropriation.

Appropriation for repairs

SEC. 2. *Be it further enacted*, That the sum of five thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to the "Insane Asylum," to be used under the direction of the Board of Supervisors, in the repair of the building, fences, grounds, fixtures and furniture of the institution, and in the re-fitting of the several wards thereof.

Amends section 19, chapter 6, Revised Code.

SEC. 3. *Be it further enacted*, That section the 19th of chapter 6th, of the "Revised Code," entitled "Asylum," be and the same is hereby amended, so that the Superintendent of the "Insane Asylum" may determine who are proper subjects for admission into the "Insane Asylum," without calling together the Board of Supervisors, unless he entertain doubt as to whether the person proposed is a proper subject for admission, in which case he shall convene the Board of Supervisors, as provided in section 19th, chapter 6th, of the aforesaid act, and, in that case, a majority of said Board shall determine the question.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified December 19, A. D., 1866.

## ATTACHMENTS.

## CHAPTER VIII.

AN ACT TO AMEND AN ACT RATIFIED THE 23RD DAY OF DECEMBER, 1864, TO AUTHORIZE ATTACHMENTS AGAINST CORPORATIONS.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That an Act ratified the 23rd day of December, 1864, entitled "an Act to authorize attachments



against Corporations," be and the same is hereby so amended as to require that before any Corporation, against which any attachment may have been sued out, shall be entitled to appear and plead, the said Corporation shall replevy the property attached, and the president or other officer, claiming the right to plead, shall first execute to the sheriff a bond in double the amount sued for, conditioned in all respects as required for bail bond, under the Revised Code, chapter 7, entitled "Attachments," and chapter 11, entitled "Bail," and that this Act shall be in force from and after its ratification.

Amends act  
of December  
23, 1864.

Ratified the 2nd day of March, A. D. 1867.

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## AUCTIONEERS.

### CHAPTER IX.

#### AN ACT TO CHANGE THE MODE OF APPOINTING AUCTIONEERS.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That any citizen of this State, desiring to exercise the business of an Auctioneer, shall apply to the Court of Pleas and Quarter Sessions or the Commissioners of incorporated towns in the county in which he proposes to carry on such business, and, upon his giving bond in the sum of five thousand dollars, payable to the State of North Carolina, to be approved by the Court or Commissioners, conditioned that he will perform faithfully all the duties required of Auctioneers, the Sheriff shall issue to him a license to act as an Auctioneer in said county for twelve months from the date of the license: *Provided,* That the Auctioneers already appointed, under existing laws, may

How appointed  
hereafter.



continue to act as such during the period for which they have been appointed.

Does not interfere with duties imposed by existing laws.

SEC. 2. *Be it further enacted*, That Auctioneers licensed under this act shall be held and bound to comply with all duties imposed upon Auctioneers by existing laws, and all laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified March 4, A. D., 1867.

## BASTARDS.

## CHAPTER X.

AN ACT TO CONSTRUE AN ACT ENTITLED "AN ACT MORE EFFECTUALLY TO SECURE THE MAINTENANCE OF BASTARD CHILDREN AND THE PAYMENT OF FINES AND COSTS ON CONVICTION IN CRIMINAL CASES," RATIFIED 2ND MARCH, 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That whenever any person shall, under the first section of the above recited Act, be bound by indenture, the indenture shall, on the part of the State, be signed by the presiding Judge or Justice of the Court ordering the same, and by the master receiving such apprentice.

Indentures to be signed by presiding Judge or Justice and master.

SEC. 2. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified March 2d, 1867.

**BURKE SQUARE.****CHAPTER XI.****AN ACT IN REGARD TO BURKE SQUARE AND OTHER PUBLIC PROPERTY IN THE CITY OF RALEIGH.**

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That the Governor, Secretary of State, <sup>⁹ Gives charge to Governor,</sup> Public Treasurer, and Comptroller, shall have charge of <sup>Secretary of State, &c.</sup> Burke Square in the City of Raleigh, and shall have such powers and duties in relation thereto as is conferred on them over other Public property in said city by Chapter 103, of the Revised Code, entitled "Seat of Government,"

SEC. 2 *Be it further enacted,* That it shall be the duty of the said Board to rent the buildings and such part of said <sup>Shall rent buildings, &c.</sup> square, at public auction or by private contract, on such terms as they may deem best for the interest of the State, the proceeds to be paid into the Public Treasury.

SEC. 3 *Be it further enacted,* That the said Board is empowered, if in their judgement it be best for the interest of <sup>Discretionary powers.</sup> the State, to allow portions of the vacant lots in the city, and adjacent thereto, to be enclosed and occupied by persons so desiring, on such terms as they may agree on, but no contract shall be made binding for a longer term than one year.

SEC. 4 *Be it further, enacted* That all laws inconsistent with this Act are repealed and this act shall be in force from its ratification,

Ratified March 2, A. D. 1867.



## CAPITOL,

## CHAPTER XII.

AN ACT FOR THE ASSIGNMENT OF CERTAIN ROOMS IN THE  
CAPITOL.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the room on the third floor of the Capitol, formerly used for the mineralogical cabinet, be set apart for the Public Library, in addition to the room now used for that purpose.

Public Libra-  
ry.

SEC. 2. *Be it further enacted,* That the room in the north-west corner of the Capitol, above the Senate Chamber, be set apart for the reception of documents, maps, and other papers belonging to the Board of Literature.

Room for  
documents,  
maps, &c.

SEC. 3. *Be it further enacted,* That the Commissioners of public buildings and grounds are authorized to set apart any room in the Capitol or on the public square, not now occupied, for the reception and use of the standards of weights and measures furnished and to be furnished the State by the United States, and also a suitable room to be occupied by the Keeper of the Capitol and Comptroller, and that said Commissioners have authority to cause such rooms to be fitted up in a manner suitable for the purposes for which they shall be set apart, and to draw on the Public Treasurer for the expenses so incurred.

Room for  
Standard  
Weights, &c.

SEC. 4. *Be it further enacted,* That this act shall be in force immediately after its ratification.

Ratified March 2, A. D.. 1867.



## CITIES AND TOWNS.

### CHAPTER XIII.

AN ACT TO AUTHORIZE THE MAYOR OR CHIEF MAGISTRATE OF ANY INCORPORATED CITY OR TOWN IN THIS STATE TO ENFORCE THE COLLECTION OF FINES AND PENALTIES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That in all cases where judgments may be entered up against any person or persons, for fines or penalties, according to the laws and ordinances of any incorporated town, and the person or persons against whom the same is so adjudged refuses or is unable to pay such judgment, it may and shall be lawful for the Mayor or Chief Magistrate, before whom such judgment is entered, to order and require such person or persons, so convicted, to work on the streets or other public works, until, at fair rates of wages, such person or persons shall have worked out the full amount of the judgment and costs of the prosecution.

Persons against whom judgment entered, failing to pay, shall be made to work out the amount thereof on the streets, &c.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.

Ratified March 2, A. D., 1867.

### CHAPTER XIV.

AN ACT TO AUTHORIZE INCORPORATED TOWNS AND CITIES TO ESTABLISH SYSTEMS OF PUBLIC SCHOOLS.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Mayor, Intendant or other

Sense of voters to be taken as to the propriety of establishing public schools

Public notice of election to be given.

chief officer of any city or incorporated town, of the State, shall be authorized to take the sense of those qualified to vote in the town or city elections, as to the propriety of establishing one or more Public Schools, to be supported by the taxes collected or authorized to be collected for corporation purposes; and the said Mayor, Intendant or other chief officer, shall give public notice of said election in the papers published in the corporation, and if there be none, by posters in three public places in each ward, at least twenty days before the election. And the Mayor, Intendant or other chief officer, shall make known the result of said vote, by public proclamation, and shall cause the whole proceedings to be recorded by the clerk of the corporation.

Election of School Commissioners---one from each Ward.

Ten days notice of election to be given.

SEC. 2. *Be it further enacted*, That if a majority of the votes given in any election, held as above, shall be in favor of Public Schools, the Mayor, Intendant or other chief officer of the corporation, shall cause an election to be held for school commissioners, one of whom shall be chosen for each ward of the corporation, and from those entitled to vote in the elections of the corporation; of which election the Mayor or other chief officer shall give ten days notice, in three public places in each ward, and the said commissioners, after the first election, shall hold their offices until the succeeding day for the election of town officers and until their successors are chosen, and every succeeding election for school commissioners shall be on the day for the election of Mayor or Intendant, and for one year, and until their successors are chosen.

Said Commissioners, so elected, together with the Mayor, to constitute Board of management.

SEC. 3. *Be it further enacted*, That the commissioners so elected, with the Mayor, Intendant or other chief officer of the corporation, shall constitute a board, of whom the Mayor or other chief officer of the corporation shall be *ex-officio* chairman, whose duty it shall be to manage the whole system of Public Schools of the corporation, to select and engage buildings for the said schools, to determine the number and character of the schools, to employ teachers, appoint visitors, and to do such other acts as are necessary to the success of the schools and consistent with the pur-



poses of this act. And every such commissioner, who shall accept an appointment, as such, and fail to discharge the duties of his office, shall forfeit and pay a fine of ten dollars, <sup>Fine for failing to discharge duty.</sup> to be collected as other penalties, and paid to the town treasurer, for the use of the Public Schools.

SEC. 4. *Be it further enacted*, That in every town or city of the State, voting in favor of Public Schools, the Mayor, Intendant or other chief officer, shall call a meeting of the authorities of said corporation, and cause to be prepared, for the board of school commissioners, a statement of the amount appropriated by said authorities for public schools, <sup>Statement of amount of appropriation to be annually furnished School Commissioners.</sup> and such a statement shall be annually furnished to the board of school commissioners within five days from their election.

SEC. 5. *Be it further enacted*, That the authorities of cities and incorporated towns, establishing Public Schools, according to the provisions of this Act, shall be required to set apart all the funds of said corporation that can be spared from other purposes, required by their charters and laws, passed in accordance herewith, for educational purposes, and in addition to the powers of taxation, with which they are already invested, they shall be authorized to levy and collect a poll tax on every white male inhabitant of the corporation, over twenty-one years old, of not more than two dollars, to be wholly appropriated to the use of the Public Schools. <sup>Additional tax for educational purposes authorized</sup>

SEC. 6. *Be it further enacted*, That the Treasurer of the corporation, establishing a system of Public Schools, according to the Act, shall be treasurer of the school fund, liable on his bond for it, that he shall keep said fund and its accounts separate and shall make an annual report in regard to the receipts and disbursements of school moneys, at the time and under the regulations in force when he rendered his statements of other public funds, and all payments for the schools shall be made on drafts signed by the chairman of the board of commissioners, countersigned by the clerk or secretary. <sup>Treasurer of Corporation to act as Treasurer of School Fund.</sup>

SEC. 7. *Be it further enacted*, That the Clerk of the town or city, establishing a system of Public Schools, shall be

Clerk of Corporation to be Secretary of Board of School Commissioners

*ex-officio* Secretary of the Board of school commissioners, and shall discharge the duties of such under a penalty of ten dollars for every failure, to be collected as other fines, and paid to the school fund; and if there be no such Clerk of the corporation, the Board of school commissioners shall elect one of their own number Secretary, and it shall be the duty of the Secretary to attend all meetings of the Board, to record its proceedings in a book kept for that purpose, to issue notices, countersign warrants, and have his records open to the public inspection. And he may receive for his services such compensation as the Board may allow.

Enumeration of white children required.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Board of school commissioners of every town or city, to number the white children of the corporation between the ages of 6 and 21, and as soon as they receive a statement of the amount of money appropriated for schools for any one year, to provide first for primary schools for all the children who need them, and if, after such provision, there be other funds, they may be used for schools of higher grade, and all the white children of the corporation, between the ages of 6 and 21, shall be entitled to attend the public schools which they are qualified to enter: *Provided*, That the grades in the school shall regularly ascend, and the school commissioners shall be required to establish the lowest first, and next the schools of the next higher grade, and so on upward.

Quarterly Statement required.

SEC. 9. *Be it further enacted*, That the school commissioners of each corporation shall make a quarterly statement, to the town or city authorities, of the condition of the schools, and to be filed with the corporation records, and annually one month before the expiration of their term of office shall make a detailed report of all their operations, stating the number of white children in the corporation between the ages of 6 and 21, the sums expended for school purposes, the number and grade of the schools, the attendance on each, the salaries paid teachers, and such other facts concerning the schools as may be important, which report shall be published, before the next election, in the papers



of the corporation, and if there be none such, in pamphlets or hand bills, and a copy shall be filed with the Secretary of the Board, and one, authenticated by the seal of office of the Clerk of County Court, sent to the Governor of the State.

SEC. 10. *Be it further enacted*, That the authorities of every corporation establishing a system of Public Schools, shall be authorized to receive, buy, lease, sell, and convey, for school purposes, real and personal property; to hold such property in trust for the schools, and to sue for injuries or trespass on the same.

Commissioners may hold and dispose of real and personal property in trust.

SEC. 11. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified February 28, A. D., 1867.

## COMMON SCHOOLS.

### CHAPTER XV.

#### AN ACT TO PROTECT CERTAIN INTERESTS OF THE COMMON SCHOOLS AND FOR OTHER PURPOSES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the Courts of Pleas and Quarter Sessions of the several counties of the State, at any term thereof, seven Justices being present, to appoint, not more than five, nor less than three, Superintendents of Common Schools, who shall hold their office for one year, and until their successors are appointed, and the said Board shall meet and elect one of their number Chairman, who shall enter into bond under the same rules and regulations as heretofore; to-wit: before the year 1865,

County Courts appoint Superintendents who shall elect a Chairman, &c.

and shall appoint not more than three committee-men in each School District of their county, and who shall continue in office for one year and until their successors are chosen. And in case the Board of Superintendents fail to appoint committee-men, the Chairman of the board shall do the same.

SEC. 2. *Be it further enacted*, That the officers herein provided for, shall be the successors of those of the same kind in existence in April, 1865; and in case none are appointed, the Superintendent and committee-men in office in April, 1865, shall be continued in office until their successors are regularly chosen.

If none are appointed, those in existence April, 1865, shall serve.

Powers.

SEC. 3. *Be it further enacted*, That the School Committees shall be incorporated as heretofore, and in them, as Trustees for the Common School, shall be vested the titles to the school houses in their respective districts, and that they shall be empowered to protect the same, to eject tenants according to law, and to give permission for the occupation of the houses for proper public uses; and in the absence or inability of the others, one member of the Committee may act.

SEC. 4. *Be it further enacted*, That the Chairmen of the Boards of Superintendents of Common Schools shall make annual reports of the funds and securities in their hands, at the same time and under the same rules and regulations and penalties as were formerly in force, to-wit: before the year 1865; the said reports to be made to the Literary Board, instead of the State Superintendent of Common Schools, and the said Board shall be vested with all the powers of the said Superintendent in the premises: *Provided*, The first return herein required shall be made within sixty days of notice of this act, or of the mailing of said notice by the Literary Board. And the said Board shall be empowered and required to make settlements with all the former officers and agents of the Common Schools, according to the laws formerly in force, to-wit: before 1865, and shall report to the General Assembly the amount of securities and funds belonging to the Common Schools in the

Chairmen make reports to the Literary Board annually.



different counties of the State, and the condition of the same.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified February 28th, A. D., 1867.

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### **COSTS.**

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#### **CHAPTER XVI.**

AN ACT TO PROVIDE FOR INCLUDING THE VALUE OF STAMPS IN  
THE TAXATION OF COSTS.

*Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That in all legal proceedings in which stamps are required by the laws of the United States, the value of such stamps shall be deemed part of the costs, and taxed accordingly.

SEC. 2. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified March 1, A. D., 1867.

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### **COURTS.**

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#### **CHAPTER XVII.**

AN ACT TO CHANGE THE JURISDICTION OF THE COURTS AND  
THE RULES OF PLEADING THEREIN.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all warrants issued by a Justice of

the Peace in civil cases, shall not be returnable within twelve months after the execution of the same, before some Justice of the Peace for the county.

Jurisdiction  
of Justices of  
the Peace.

SEC. 2 *Be it further enacted*, That the jurisdiction of Justices of the Peace shall extend to one hundred dollars, principal money, on all bonds, bills, promissory notes or accounts stated, and shall extend to sixty dollars principal money, upon accounts for goods, wares and merchandise sold and delivered, or for work and labor done, or for specific articles, and all balances of sixty dollars and under, due on such last mentioned debts or demands, and on all judgments rendered thereon, and on all forfeitures and penalties not exceeding one hundred dollars: *Provided*, That this section shall not be construed to take from the Courts the jurisdiction in cases of less than one hundred dollars, upon which writs have been issued prior to the ratification of this act.

Warrants for  
debts or de-  
mands due  
prior to May 1  
1865, when re-  
turnable and  
proceedings  
thereon.

SEC. 3. *Be it further enacted*, That all warrants issued by a Justice of the Peace, for any debt or demand within his jurisdiction, according to the provisions of the above section, *provided* said debt or demand is due upon any contract, whether by bond or note or liquidated account, or any parol agreement made or entered into and due prior to the first day of May, 1865, shall not be returnable for trial, within twelve months after the execution of the same; and at the return of the same, if the defendant or defendants shall pay to the plaintiff, his agent or attorney, or to the officer executing the warrant, one-tenth of the principal and interest, and all costs that may have accrued thereon, he, she, or they may have twelve months longer to plead; at the end of which time being again notified of the time and place of trial, if the defendant or defendants shall pay one-fifth of the principal, interest and costs, he, she, or they shall have twelve months longer to plead; at the end of which time, if the defendant or defendants shall pay one-half of the residue of said claim, he, she or they shall have twelve months longer to plead; at the end of which time the plaintiff shall have judgment for the remainder: *Provided*, That executions on Justices' judgments on debts contracted pri-



or to May, 1st, 1865, already rendered, shall be stayed for twelve months from the date of the ratification of this act.

SEC. 4. *Be it further enacted*, That on all debts contracted since the first day of May, 1865, and all warrants issued for the same, shall be returned and tried according to the provisions of the Revised Code, Chapter sixty-two, (62.) and the remedy in all such cases shall be the same as in 1860.

Since May 1,  
1865.

SEC. 5. *Be it further enacted*. That all writs in actions of debt, covenant, assumpsit or account, issued to Fall Term 1866, or Spring Term 1867, of the Superior Court, shall be returnable to Spring Term 1868, and all of said actions now pending in the Superior Court shall be continued to Spring Term, 1868 : *Provided*, That the Sheriff shall not be allowed in any case to levy execution before the first day of January succeeding the rendition of judgment.

Writs issued  
to Fall Term,  
1866, or Spring  
Term, 1867.

SEC. 6. *Be it further enacted*, That all writs in debt, covenant, assumpsit or account, shall be returnable to Spring Term of the Superior Court, and shall be served at least thirty days (Sundays included) before the return day. If

Proceedings  
on return of  
writs.

uring the return term, the defendant pay to the plaintiff, or into Court for his own use, one-tenth of the debt or demand (principal and interest) and all costs to that time, he shall be allowed until next Spring term to plead. At the said Spring Term, should the defendant pay to the plaintiff, or into Court for his use, one-fifth of the residue and costs, he shall be allowed until the succeeding Spring Term ; at the said Spring Term, should the defendant pay to the plaintiff, or into Court for his use, one-half of the residue, he shall be allowed until the succeeding Spring Term to plead : *Provided, however*, the plaintiff, if required, shall file his debt or demand in writing, and if the defendant shall make oath that the whole or any part thereof is not justly due, or that he has a counter claim, all of which shall be particularly set forth by affidavit, then the defendant shall only pay the instalment required of what he admits to be due, and the Court shall order a jury at the same or subsequent Term to try the matters in dispute between the parties, and at the next Spring Term the defendant shall be

allowed to plead only upon the payment of one-fifth of the residue of the admitted amount, and whatever the jury may find him indebted over and above the same: *Provided, further*, that should the defendant fail to pay the first or any subsequent instalment, then, and in that case, the plaintiff shall be entitled to judgment and execution for said instalment: *Provided, however*, any debtor tendering or paying to his creditor on any debt contracted prior to the first day of May, A. D., 1865, the one-tenth of his indebtedness without a suit having been brought on the same, the said one-tenth shall be entered as a credit on the evidences of said indebtedness; thereafter, the remainder of said indebtedness shall not be sued on for twelve months after the payment or tender of said one-tenth.

Ordinance of  
Convention,  
June 23, 1866.

SEC. 7. *Be it further enacted*, That so much of the ordinance of the Convention, passed on the 23d of June, 1866, as shall come in conflict with this act, together with all other laws coming in conflict with the same, be and the same are hereby repealed.

SEC. 8. *Be it further enacted*, That the time elapsed or elapsing from the twentieth day of May, 1861, until the first day of January, 1870, shall not be counted so as to bar actions or suits, or to presume satisfaction or abandonment of rights.

SEC. 9. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified February 12th, A. D. 1867.

## CHAPTER XVIII.

AN ACT EXPLANATORY OF AN ACT ENTITLED "AN ACT TO CHANGE THE JURISDICTION OF THE COURTS AND THE RULES OF PLEADING THEREIN."

WHEREAS, An Act, entitled "An Act to change the jurisdiction of the Courts and the rules of pleading therein,"



was enacted by the General Assembly and ratified the 12th day of February, A. D., 1867: *And, whereas*, doubts exist as to the true meaning and construction of said act, and therefore, as explanatory of the same:

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That none of the provisions of said Act shall be so construed as to apply to any debts or cause of action incurred since the first day of May, 1865, but the jurisdiction of the several Courts of this State, in all actions of debt, covenant, assumpsit or account, upon any contract, demand or penalty incurred since the first day of May, 1865, or which may hereafter be contracted or incurred, and the remedies thereon, shall be in all respects the same as they were in the year 1860.

Provisions of Act of Feb. 12 not to apply to debts, &c., incurred since May 1, 1865.

Sec. 2. *Be it further enacted*, That the said Act shall be so construed as to extend to all suits in equity, as well as to actions at law, where the suit or cause of action is founded on any contract or obligation entered into prior to the 1st day of May, 1865, but not where the suit or cause of action is founded on any contract or obligation entered into since the 1st day of May, 1865, or which may hereafter be entered into.

Suits in Equity.

Ratified March 1, A. D., 1867.

## CHAPTER XIX.

AN ACT AMENDATORY OF AN ACT PASSED AT THIS SESSION OF THE GENERAL ASSEMBLY, AND RATIFIED THE 12TH DAY OF FEBRUARY, 1867, TO CHANGE THE JURISDICTION OF THE COURTS AND THE RULES OF PLEADING THEREIN, AND FOR OTHER PURPOSES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That any Clerk issuing any writ, and

Penalty on Clerks, Sheriffs, &c., for violating provisions of Act of Feb. 12, '67.

any Sheriff, Constable, or other officer executing the same, or violating any of the provisions of the above recited act, or the act explanatory of said act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined, not exceeding five hundred dollars, or imprisonment at the discretion of the Court.

SEC. 2. *Be it further enacted*, That the provisions of this act shall not apply to debts or matters *ex contractu*, created since the first day of May, A. D., 1865.

SEC. 3. *Be it further enacted*, That this act shall take effect, and be in force, from and after the expiration of ten days from the date of its ratification.

Ratified March 2, A. D., 1867.

## CHAPTER XX.

AN ACT TO EXTEND THE TERM OF CHOWAN SUPERIOR COURT, NOW BEING HELD BY HIS HONOR, JUDGE MERRIMON.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the present term of the Superior Court, now being held in the town of Edenton, in the county of Chowan, and now engaged in the trial of the Johnston Will case, shall be extended from week to week, at the discretion of the Judge, until the trial of the said Will case shall have been fully determined and ended in said Court.

SEC. 2. *Be it further enacted*, That the Judge now holding said Court shall be paid the sum of ninety dollars for each and every week he may be engaged in holding said Court.

SEC. 3. *Be it further enacted*, That the said Judge shall have the same power and authority, during the holding said Court, as belong to Judges of the Superior Court holding regular terms of the Superior Court in this State.



SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 20th day of February, A. D., 1867.

## CHAPTER XXI.

AN ACT TO CHANGE THE TIME OF HOLDING THE SUMMER AND WINTER TERMS OF THE COUNTY COURTS OF BUNCOMBE AND MITCHELL.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Summer and Winter terms of the County Courts of Mitchell and Buncombe shall be held as follows, to-wit: Mitchell, on the 6th Monday after the 4th Monday of July and December; Buncombe on the 7th Monday after the 4th Monday of July and December.

SEC. 2. *Be it further enacted*, That all process in the hands of any Sheriff or other officer in the State, returnable to the Summer and Winter County Courts of Buncombe and Mitchell, shall be returned by the said Sheriffs or other officers to the said County Courts at the time above prescribed for the holding thereof, notwithstanding any command on the face of said writ, or other process, to return the same at a different time, under the same pains and forfeitures as are now prescribed for failures to return process in other cases.

SEC. 3. *Be it further enacted*, That all acts and proceedings had and done by the County Courts of Buncombe and Mitchell, which would have been lawful and regular, had the Courts been held at the proper time, be, and the same are hereby ratified and confirmed.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified January 28, A. D., 1867.

## CHAPTER XXII.

AN ACT TO REPEAL AN ORDINANCE OF THE CONVENTION RATIFIED THE 20TH DAY OF MAY, 1866, TO ALTER THE TIME OF HOLDING THE COURTS OF PLEAS AND QUARTER SESSIONS OF STANLY COUNTY.

Courts here-  
after held,  
when?

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That an Ordinance of the Convention, ratified 20th day of May, 1866, to alter the time of holding the Courts of Pleas and Quarter Sessions of Stanly county, be, and the same is hereby repealed, and that said Courts shall hereafter be held on the second Monday in February, May, August, and November.

Process re-  
turnable, &c.,  
made to con-  
form to the  
change.

SEC. 2. *Be it further enacted,* That all proceedings and process of every kind, depending in or returnable to any of the said Courts of Pleas and Quarter Sessions, shall stand for trial and be returnable to the several terms as hereinbefore expressed, respectively, any law to the contrary notwithstanding, and that this Act shall be in force from and after its ratification.

Ratified February 9, A. D., 1867.

## CHAPTER XXIII.

AN ACT TO AUTHORIZE A SPECIAL COURT FOR THE COUNTY OF WILSON.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Chairman of the Court of Pleas and Quarter Sessions, of the county of Wilson, be and he



is hereby authorized and required to call a Special Court, to meet at the court house, in the town of Wilson, on or before the second Monday in April, 1867, for the purpose of levying a special tax, to be applied to repairing the public buildings of said county. To be held on  
or before 2nd  
Monday in  
April, 1867.

SEC. 2. *Be it further enacted*, That the said tax, when so levied, shall be collected by the tax collector, under the same rules and regulations as are prescribed by law for the collection of other taxes.

SEC. 3. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D., 1867.

## CHAPTER XXIV.

### AN ACT TO CHANGE THE TIME OF HOLDING THE COURTS IN THE SEVENTH JUDICIAL DISTRICT.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the au-* When to be  
held.  
*thority of the same*, That the Superior Courts of Law and Equity for the several counties in the Seventh Judicial District be opened and held at the following times, to-wit:

Catawba, second Monday of February and August.

Lincoln, third Monday of February and August.

Gaston, fourth Monday of February and August.

Cleveland, first Monday after the fourth Monday of February and August.

Polk, second Monday after the fourth Monday of February and August.

Rutherford, third Monday after the fourth Monday of February and August.

McDowell, fourth Monday after the fourth Monday of February and August.

Burke, fifth Monday after the fourth Monday of February and August.

Caldwell, sixth Monday after the fourth Monday of February and August.

Watauga, seventh Monday after the fourth Monday of February and August.

And that the non-jury terms of the Court of Pleas and Quarter Sessions be opened and held at the times above prescribed for holding the Superior Courts of Law and Equity, and the jury terms of the Court of Pleas and Quarter Sessions shall be opened and held in the several counties in said Judicial District, at the following times, to-wit:

Catawba, second Monday of May and November.

Lincoln, third Monday of May and November.

Gaston, fourth Monday of May and November.

Cleveland, first Monday after the fourth Monday of May and November.

Polk, second Monday after the fourth Monday of May and November.

Rutherford, third Monday after the fourth Monday of May and November.

McDowell, fourth Monday after the fourth Monday of May and November.

Burke, fifth Monday after the fourth Monday of May and November.

Caldwell, sixth Monday after the fourth Monday of May and November.

Watauga, seventh Monday after the fourth Monday of May and November.

When to go  
into effect, &c.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after the second Monday of August, A. D., 1867, and that no process nor judicial proceeding in any of said Superior Courts, then pending, shall be discontinued or in any way affected by reason of any change made in the time of holding said Courts; but that in all such cases, all process matters and things pending in said Courts shall stand and be as effectual and valid at the terms of the Courts hereby directed to be held, as if no alteration were made in the time of holding said Courts, and all returns of



process then issued, and all appearances upon such returns shall be made to the terms hereby directed to be held, in the same manner as if such terms had been the terms to which such process was returnable or stood continued, or to which such terms or appearances ought to have been made; and all recognizances, bonds, and obligations for appearances, and all returns, shall be of the same force and validity for the appearance of any person at the terms hereby directed to be held, and all summons for witnesses as effectual for their attendance, as if such terms had been especially mentioned therein; and that all laws, or clauses of laws, coming in conflict with the provisions of this act, be and the same are hereby repealed.

Ratified the 28th day February, A. D., 1867.

## CHAPTER XXV.

### AN ACT TO EXTEND THE REGULAR TERMS OF THE COURT OF PLEAS AND QUARTER SESSIONS OF GRANVILLE COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That the Justices of the Peace, composing the Special Court, or any of the Justices presiding at any regular Court of Pleas and Quarter Sessions in and for the county of Granville, at any regular term of said Court, to be held in said county after the passage of this Act, shall have full power and authority, as Justices of the Peace in and for said county, to be Judges of the Courts of Pleas and Quarter Sessions thereof, and shall have all the power incident to such jurisdiction, and in addition to the powers given the Justices of said county to hold Courts of Pleas and Quarter Sessions on the first Monday in February, May, August and November, if the business on the Criminal Docket of said Court cannot be determined the

Justices power to adjourn over.

week for which they are now allowed to transact the same, they may adjourn over to the second week of February, May, August, and November, and for the trial of any criminal cause that may be depending before them, or that the public interest requires should be brought before them, and meet from day to day until all the criminal cases within their jurisdiction in said county shall have been finally determined.

SEC. 2. *Be it further enacted*, That the said Justices, during the said first and second weeks of February, May, August and November, shall have all the powers and authority that are now conferred by law upon said County Courts, or upon any Court of Pleas and Quarter Sessions having criminal jurisdiction.

Justices to  
have the usu-  
al powers.

SEC. 3. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified February 25, A. D., 1867.

## CHAPTER XXVI.

### AN ACT TO ABOLISH JURY TRIALS IN THE COUNTY COURT OF MACON.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a majority of the Justices of the Peace of Macon county are hereby invested with full power and authority, at the first term of the County Court, to be held for said county, after the first day of April, 1867, to abolish and dispense with jury trials in said Court.

Justices may  
dispense with  
Jury trials.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Clerk of the Court of Pleas and Quarter Sessions, of the county aforesaid, to make out a transcript of all suits which may be pending, where the intervention of a jury is necessary in said Court, by the first day of September next, and

Clerk to make  
transcript of  
suits and de-  
liver to Supe-  
rior Court  
Clerk.



deliver the same to the Superior Court Clerk of said county, together with all such papers as relate to said suit.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Clerk of the Superior Court to receive all such transcripts of record, together with all papers relating thereto, and enter them on the Superior Court docket, observing the order of precedence of each suit as indicated by its number, and they shall stand in the same order for trial in the Superior Court of said county, as they originally stood in the Court of Pleas and Quarter Sessions from which they were removed.

Duty of Superior Court Clerk.

SEC. 4. *Be it further enacted*, That if the Clerk of the Superior Court or the Clerk of the Court of Pleas and Quarter Sessions fail or neglect to perform the duties enjoined on them by this Act, they shall forfeit and pay one hundred dollars, to be recovered by action of debt in the name of the State and applied to the use of the county: *Provided*, That if jury trials should not be dispensed with, the Clerk of the County and Superior Courts shall not be required to perform any of the duties imposed by this Act.

Penalty for failure.

Ratified the 21st day of February, A. D., 1867.

## CHAPTER XXVII.

### AN ACT TO ESTABLISH A CRIMINAL COURT IN THE COUNTY OF CRAVEN.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a Court of Record, to be called "The Criminal Court of Craven County," is hereby established, and the same shall be held in the city of New Berne in the county of Craven.

Designation,

SEC. 3. *Be it further enacted*, That the Court hereby established shall possess all the powers, perform all the

Powers and restrictions duties and be subject to all the restrictions of a Court of Record, according to the laws of this State.

Jurisdiction. SEC. 3. *Be it further enacted*, That said Criminal Court shall have exclusive original jurisdiction, to enquire of, hear, try and determine all crimes, misdemeanors and offences committed within the county of Craven, as fully and to the same extent as the Superior Courts of the State, and exclusive appellate jurisdiction of all offences tried and determined before a justice of the peace or other magistrate in said county, but shall have no jurisdiction over criminal cases removed from any other county to the county of Craven.

Process, pleadings, practice &c. SEC. 4. *Be it further enacted*, That the said Criminal Court shall have all the jurisdiction vested in the Superior Courts, to try all crimes and criminal offences originating within Craven county, and to give judgment and to award executions thereon, and the recovery of all fines and forfeitures, and that the process, pleadings, practice and modes of proceedings shall be the same in said Court as prevail in the Superior Courts in such cases as aforesaid.

Appeals. SEC. 5. *Be it further enacted*, That appeals to the Supreme Court and writs of error may be prosecuted from the judgments of said Criminal Court, in the same manner as they may be from the Superior Courts.

Judges, how elected, &c. SEC. 6. *Be it further enacted*, That there shall be one Judge of the said Criminal Court, to be elected by the General Assembly, and commissioned by the Governor, who shall receive a salary of fifteen hundred dollars, to be paid quarterly out of the county funds of said county, and the said Judge shall take the oaths prescribed for Judges of the Superior Courts, and he shall possess the qualifications of a Judge of the Superior Court, and shall hold his office during good behavior, unless removed from office as in the next section provided.

How removed. SEC. 7. *Be it further enacted*, That such Judge may be removed from office for the same causes, and in the same manner, as a Judge of the Superior Courts, and all vacancies in said office shall be filled as in cases of Judges of the Superior Courts.



SEC. 8. *Be it further enacted*, That the Judge of said Criminal Court shall be a conservator of the peace within said county, and shall have all the powers of the several Judges of the Superior Courts of this State, to hear and determine all criminal cases arising within the county, and the like power to issue warrants or precepts for the arrest of criminals any where within the limits of the State, and to take and certify the proof and acknowledgment of deeds and conveyances, including the deeds of *femes covert*, administer oaths, issue writs of *habeas corpus*, and hear and determine the same, in the same manner as the Judges of the Superior Courts, and also to issue writs of injunction, sequestration and *ne exeat*, returnable to the Court of Equity of the proper county.

His powers.

SEC. 9. *Be it further enacted*, That there shall be a Solicitor for the said Criminal Court, elected by the Justices of said county, for the term of four years, who shall receive the same fees as are now allowed by law to the Solicitors of the several Circuits, and should any vacancy occur by the death, resignation, removal or the failure of the Justices to elect, the Judge shall have power to appoint a Solicitor to act until the vacancy is filled; the first election of such Solicitor shall be at the March term, 1867, of the County Court of said county, and every four years thereafter, unless a vacancy shall happen from any cause whatever, in which case, the Justices aforesaid, at any regular term of said County Court, a majority of said Justices being present, shall proceed to elect such Solicitor to supply such vacancy; the duties of said Solicitor shall be the same, in respect to criminal matters, as those prescribed by law for the Solicitors of the several Judicial Circuits of this State, and he shall take a similar oath of office, and shall be removable for the same causes; he shall also perform all the duties of County Solicitor of said county.

Solicitor, how elected, — duties, &amp;c.

SEC. 10. *Be it further enacted*, That the Clerk of the Superior Court of Craven county, and Sheriff of said county, shall be the Clerk and Sheriff of the said Criminal Court, and perform all the duties incident to their several offices required of them respectively, in relation to the

Clerk of Superior Court &amp; Sheriff shall be officers of the Court.

business of said Court, and shall respectively receive the same fees and compensation therefor, and they shall severally enter into bond, with good and sufficient surety, in the penal sum of ten thousand dollars, to be approved by the Judge, payable to the State of North Carolina, for the faithful performance of the duties of their respective offices, and in case of the failure of either to give such bond, or in case of vacancy occurring from any cause whatever, the said Judge shall have full power to appoint other persons to fill said offices.

Judge's salary, &c., how paid.

SEC. 11. *Be it further enacted*, That it shall be the duty of the Justices of the county of Craven, to provide for the payment of the salary of the Judge of said Court, and the fees and compensation of the Clerk of said Court, and Sheriff, and the pay of jurors and witnesses, and all other expenses incident to said Court, and for these purposes the said Justices shall lay sufficient taxes on all subjects of taxation, on which, by law, they may be authorized to levy and assess taxes for county purposes.

Seal.

SEC. 12. *Be it further enacted*, That the Clerk shall procure a seal of said Court with such devices as shall be prescribed by the Court.

Six terms of the Court annually.

SEC. 13. *Be it further enacted*, That there shall be six terms of the said Criminal Court in each year, held in the court house in Craven county, on the fourth Monday in March, May, July, September, November and January; and said Courts shall continue its session so long as there may remain business on their docket undisposed of, and the Judge of said Court shall have power to hold special terms of said Court, whenever it shall seem to him necessary to order the same, of which order fourteen days public notice shall be given; and at such special terms, he may make all orders and do any and every thing which he can do at the regular terms, and when such special terms are so ordered, all process returnable at the next regular term shall be deemed returnable at such special terms, and all recognizances, bonds, obligations and summonses, taken for the appearance of defendants and witnesses to said reg-



ular terms, shall be binding upon said parties for their appearance at the special term aforesaid.

SEC. 14. *Be it further enacted*, That in all cases of change of *venue* from the Criminal Court of Craven county, applied for, on account of the interest, prejudice, or relationship of the Judge of said county, or on account of any other legal objection to said Judge, the cause shall not be sent to a different county for trial, but the Judge may order it to be transferred to the Superior Court of said county, but any party desiring a change of *venue* from said Criminal Court, on account of any other cause, may, upon application to the Judge, obtain a removal of the same to another county, under such rules and for such causes as are prescribed by law for the removal of criminal cases from one county to another.

SEC. 15. *Be it further enacted*, That if the Judge of the said Criminal Court shall fail to attend to hold a Court on the day designated for a regular or special term, it shall be the duty of the Clerk to open and adjourn the Court for the two first days of the term, and if the Judge shall not attend by 4 o'clock on the second day of said term, the Court shall be adjourned by the Clerk till the next Court in course, and all the recognizances, bonds, obligations, process and other proceedings returned or returnable to said term, shall be of the same force and effect, and shall be proceeded in, as though the same were returnable to such next regular term, as is now provided in such cases in the Superior Courts, and shall be returnable as in such cases provided in said Courts.

SEC. 16. *Be it further enacted*, That the Sheriff of Craven county and the Clerk of said Criminal Court in the presence of, and assisted by, three Justices of the county, shall, during the terms of said Criminal Courts, draw the jurors for the next succeeding term of the said Court in the same manner as juries are now furnished to the Superior Courts, and the jurors and witnesses, who shall attend said Court, shall be entitled to the same compensation and subject to the same rules and regulations, possess the same qualifications, as are provided by law in regard to jurors and witnesses in the Superior Courts; and that there may

Change of  
venue.

Failure of  
the Judge to  
attend.

Jurors.

not be a deficiency of jurors, the Sheriff, by or der of the Court, shall summon from day to day of the by-standers, other jurors, being freeholders, within the county, to serve on the petit jury, and such tales jurors shall be entitled to the same compensation, and be subject to the same rules and regulations, and possess the same qualifications as are prescribed by law for tales jurors, and in the event there shall be a failure to draw jurors as before provided, or whenever a special term of said Court shall be ordered, the Sheriff and the Clerk of said Court, in the presence of, and assisted by, three Justices of said county, shall draw the jurors for said Court in the manner above prescribed.

Proceedings  
how removed  
from County  
and Superior  
Courts of Cra-  
ven.

Sec. 17. *Be it further enacted*, That it shall be the duty of said Superior and County Courts, of said County, at the first term thereof held, after the ratification of this act, to transfer and remove by proper exemplifications of the record, all criminal causes, and all proceedings by *scire facias* against defaulting defendants and witnesses, summoned therein, or their sureties, pending in said Courts, to the said criminal Courts and the said Superior and County Courts shall recognize as well the witnesses as the defendants in the cases and proceedings aforesaid, to appear at the next term of the said Criminal Court, and the said Criminal Court shall have jurisdiction to originate proceedings by *scire facias*, against defaulting defendants and witnesses, summoned in said cases, or their sureties, when the default occurred before the transfer and removal of said causes and no proceedings thereon pending in said Superior or County Courts, in the same manner as if the said default had occurred in the said Criminal Court.

Residence of  
Judge, &c.

SEC. 18. *Be it further enacted*, That the Judge of said Criminal Court shall reside in the County of Craven, and shall not practice as an Attorney or Solicitor in any of the Courts of the State of North Carolina.

First term.

SEC. 19. *Be it further enacted*, That the said Criminal Court shall hold its first Term on the 4th, Monday of March next, and it shall be the duty of the County Court of said County, at the March Term, 1867, to draw thirty six Jurors to serve as such, at the first Term of



said Criminal Court, under the same rules and regulations as now prescribed by law for drawing Jurors for the Superior Courts.

SEC. 20. *Be it further enacted*, That Attorneys licensed to practice in the Courts of Pleas and Quarter sessions of the State, shall have the privilege of practising in said Criminal Court.

Attorneys.

SEC. 21. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified Feb. 11. A. D. 1867.

## CHAPTER XXVIII.

### AN ACT TO ESTABLISH A CRIMINAL COURT IN THE COUNTY OF NEW HANOVER.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a Court of Record, to be called "The Criminal Court of New Hanover County," is hereby established, and the same shall be held in the city of Wilmington, in the county of New Hanover.

Designation

SEC. 2. *Be it further enacted*, That the Court hereby established shall possess all the powers, perform all the duties and be subject to all the restrictions of a Court of Record, according to the laws of this State.

Powers and restrictions

SEC. 3. *Be it further enacted*, That said Criminal Court shall have exclusive original jurisdiction to enquire of, hear, try and determine all crimes, misdemeanors and offences committed within the county of New Hanover, as fully and to the same extent as the Superior Courts of the State, and exclusive appellate jurisdiction of all offences, tried and determined before a Justice of the Peace or other Magistrate in said county, but shall have no jurisdiction

Jurisdiction.

over criminal causes removed from any other county to the county of New Hanover.

Process, pleadings, practice &c. SEC. 4. *Be it further enacted*, That the said Criminal Court shall have all the jurisdiction vested in the Superior Courts, to try all crimes and criminal offences originating within New Hanover county, and to give judgment and to award execution therein, and for the recovery of all fines and forfeitures; and that the process, pleadings, practice and modes of proceeding shall be the same in said Court as prevail in the Superior Courts in such cases as aforesaid.

Appeals. SEC. 5. *Be it further enacted*, That appeals to the Supreme Court and writs of error may be prosecuted from the judgments of said Criminal Court, in the same manner as they may be from the Superior Courts.

Judge, how chosen, &c. SEC. 6. *Be it further enacted*, That there shall be one Judge of the said Criminal Court, to be elected by the General Assembly and commissioned by the Governor, who shall receive such salary as may be allowed by law to the Judges of the Superior Courts, to be paid quarterly out of the county fund of said county, and the said Judge shall take the oaths prescribed for Judges of the Superior Courts, and he shall possess the qualifications of a Judge of the Superior Court, and shall hold his office during good behavior unless removed from office, as in the next section provided.

How removed. SEC. 7. *Be it further enacted*, That such Judge may be removed from office for the same causes and in the same manner as a Judge of the Superior Courts; and all vacancies in said office shall be filled as in cases of Judges of the Superior Courts.

His powers. SEC. 8. *Be it further enacted*, That the Judge of said Criminal Court shall be a conservator of the peace within said county, and shall have all the powers of the several Judges of the Superior Courts of this State, to hear and determine all criminal cases arising within the county, and the like power to issue warrants or precepts for the arrest of criminals anywhere within the limits of the State; and to take and certify the proc and acknowledgment of deeds and conveyances, including the deeds of *femes covert*, administer oaths, issue writs of *habeas corpus*, and hear and



determine the same, in the same manner as the Judges of the Superior Courts; and also to issue writs of injunction, sequestration and *ne exeat*, returnable to the Court of Equity of the proper county.

SEC. 9. *Be it further enacted*, That there shall be a Solicitor for the said Criminal Court elected by the Justices of said county, for the term of four years, who shall receive the same fees as are now allowed by law to the Solicitors of the several circuits; and should any vacancy occur by the death, resignation, removal or the failure of the Justices to elect, the Judge shall have the power to appoint a Solicitor to act until the vacancy is filled. The first election of such Solicitor shall be at the March Term, 1867, of the County Court of said county, and every four years thereafter, unless a vacancy shall happen from any cause whatever, in which case the Justices aforesaid, at any regular term of said County Court, a majority of said Justices being present, shall proceed to elect such Solicitor to supply such vacancy. The duties of said Solicitor shall be the same, in respect to criminal matter, as those prescribed by law for the Solicitors of the several Judicial Circuits of this State, and he shall take a similar oath of office, and shall be removable for the same causes. He shall also perform the duties of County Solicitor of said county.

SEC. 10. *Be it further enacted*, That the Clerk of the Superior Court of New Hanover county, and Sheriff of said county, shall be the Clerk and Sheriff of the said Criminal Court, and perform all the duties incident to their several offices required of them respectively, in relation to the business of said Court, and shall, respectively, receive the same fees and compensation therefor, and they shall severally enter into bond, with good and sufficient surety, in the penal sum of ten thousand dollars, to be approved by the Judge, payable to the State of North Carolina, for the faithful performance of the duties of their respective offices; and in case of the failure of either to give such bond, or in case of vacancy occurring from any cause whatever, the said Judge shall have full power to appoint other persons to fill said offices.

Solicitor—how  
elected, &c.

Clerk of Su-  
perior Court  
and Sheriff to  
be officers of  
the Court.

Judge's salary, &c., how paid?

SEC. 11. *Be it further enacted*, That it shall be the duty of the Justices of the county of New Hanover to provide for the payment of the salary of the Judge of said Court, and the fees and compensation of the Clerk of said Court, and Sheriff, and the pay of jurors and witnesses, and all other expenses incident to said Court; and for these purposes the said Justices shall lay sufficient taxes on all subjects of taxation, in which by law they may be authorized to levy and assess taxes for county purposes.

Seal.

SEC. 12. *Be it further enacted*, That the Clerk shall procure and keep a Seal of said Court, and such devices as shall be prescribed by the Court.

Six terms of the Court annually.

SEC. 13. *Be it further enacted*, That there shall be six terms of the said Criminal Court in each year, held in the Court House in New Hanover, on the first Mondays in February, April, June, August, October and December, and said Court shall continue its sessions so long as there may remain business on its docket undisposed of, and the Judge of said Court shall have power to hold special terms of said Court whenever it shall seem to him necessary to order the same, of which order fourteen days public notice shall be given, and at such special terms, he may make all orders, and do any and every thing which he can do at the regular terms; and when such special terms are so ordered, all process returnable to the next regular term shall be deemed returnable to such special term, and all recognizances, bonds, obligations and summonses taken for the appearance of defendants and witnesses to said regular term shall be binding upon said parties for their appearance at the special term aforesaid.

Change of Venue.

SEC. 14. *Be it further enacted*, That in all cases of change of venue from the Criminal Court of New Hanover county, applied for on account of the interest, prejudice or relationship of the Judge of said Court, or on account of any other legal objection to said Judge, the cause shall not be sent to a different county for trial, but the Judge may order it to be transferred to the Superior Court of said county; but any party desiring a change of venue from said Criminal Court on account of any other cause, may, upon application to the Judge, obtain a removal of the



same to another county, under such rules and for such causes as are prescribed by law for the removal of criminal cases from one county to another.

SEC. 15. *Be it further enacted*, That if the Judge of the said Criminal Court shall fail to attend to hold a Court on the day designated for a regular or special term, it shall be the duty of the Clerk to open and adjourn the Court for the two first days of the term, and if the Judge shall not attend by four o'clock on the second day of said term, the Court shall be adjourned by the Clerk until the next Court in course, and all the recognizances, bonds, obligations, process and other proceedings, returned or returnable to said term, shall be of the same force and effect, and shall be proceeded in, as though the same were returnable to such next regular term, as is now provided in such cases in the Superior Courts, and shall be returnable as in such cases provided in said Courts.

Failure of  
Judge to at-  
tend.

SEC. 16. *Be it further enacted*, That the Sheriff of New Hanover county, and the Clerk of said Criminal Court, in the presence of and assisted by three Justices of the county shall, during the terms of the said Criminal Court, draw the jurors for the next succeeding term of the said Court, in the same manner as juries are now furnished to the Superior Courts, and the jurors and witnesses, who shall attend said Courts, shall be entitled to the same compensation and be subjected to the same rules and regulations, possess the same qualifications as are provided by law in regard to jurors and witnesses in the Superior Courts, and that there may not be a defect of jurors, the Sheriff, by order of the Court, shall summon from day to day, of the bystanders, other jurors, being freeholders within the county, to serve on the petit jury; and such tales jurors shall be entitled to the same compensation, and be subject to the same rules and regulations, possess the same qualifications as are prescribed by law for tales jurors; and in the event there shall be a failure to draw jurors as before provided, or whenever a special term of said Court shall be ordered, the Sheriff and the Clerk of said Court, in the presence of

Jurors.

and assisted by three justices of said county, shall draw the jurors for said Court in the manner above prescribed.

Proceedings,  
how removed  
from County  
and Superior  
Courts of New  
Hanover.

SEC. 17. *Be it further enacted*, That it shall be the duty of said Superior and County Courts of said county, at the first terms thereof held after the ratification of this act, to transfer and remove, by proper exemplifications of the record, all criminal causes and all proceedings by *scire facias* against defaulting defendants and witnesses summoned therein, or their securities, pending in said courts to the said Criminal Court; and the said Superior and County Courts shall recognize as well the witnesses as the defendants in the causes and proceedings aforesaid, to appear at the next term of the said Criminal Court. And the said Criminal Court shall have jurisdiction to originate proceedings by *scire facias* against defaulting defendants and witnesses summoned in said causes, or their sureties where the default occurred before the transfer and removal of said causes, and no proceedings therein were pending in said Superior or County Courts, in the same manner as if the said default had occurred in the said Criminal Court.

Residence of  
Judge, &c.

SEC. 18. *Be it further enacted*, That the Judge of said Criminal Court shall reside in the county of New Hanover, and shall not practice as an Attorney or Solicitor in any of the Courts of the State of North Carolina.

First Term.

SEC. 19. *Be it further enacted*, That the said Criminal Court shall hold its first term on the first Monday of April next, and it shall be the duty of the County Court of said county, at the March term, 1867, to draw thirty-six jurors, to serve as such at the first term of said Criminal Court, under the same rules and regulations as now prescribed by law for drawing jurors for the Superior Courts.

Attorneys.

SEC. 20. *Be it further enacted*, That Attorneys licensed to practice in the Courts of Pleas and Quarter Sessions of this State, shall have the privilege of practising in the said Criminal Court.

SEC. 21. *Be it further enacted*, That this act shall be in full force and effect from and after its ratification.

Ratified the 11th day of February, A. D., 1867.



## CHAPTER XXIX.

AN ACT TO EXTEND THE SESSION OF THE COURT OF PLEAS AND  
QUARTER SESSIONS FOR THE COUNTY OF WAKE.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That section 2, chapter 31, Revised Code, be amended by adding at the end of the said section the following proviso: *Provided,* That whenever the Justices holding the said Courts for the county of Wake shall find that the business cannot be dispatched in six days, said Justices may adjourn from day to day until such business is dispatched.

Sec. 2, chap.  
31, Rev. Code,  
amended.

SEC. 2. *Be it further enacted,* That the term of the Court of Pleas and Quarter Sessions now being held for the county of Wake, is hereby extended for one week in addition to the time now allowed by law.

Pending  
term extend-  
ed.

SEC. 3. *Be it further enacted,* That this act shall be in force from and after its ratification.

Ratified February 21, A. D., 1867.

## CHAPTER XXX.

AN ACT GIVING TO THE COUNTY AND SUPERIOR COURTS AU-  
THORITY TO SENTENCE CRIMINALS TO WORK THE PUBLIC  
ROADS.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Justices of the County Courts and Judges of the Superior Courts shall have power and

Courts may sentence, in certain cases, to work in chain gangs. authority in all criminal cases within their jurisdiction, upon conviction of the defendant in all cases where the punishment already affixed by law to the offence does not extend to loss of life, to sentence the defendant to work in chain gangs upon the public roads of the county in which the offence was committed, or upon any Rail Road or other work of Internal Improvement in the State, for such length of time as the Court, in the exercise of its discretion, may see fit, not exceeding one year.

SEC. 2. *Be it further enacted*, That for the management and safe keeping of said criminals, the County Courts, a majority of the acting Justices being present, may elect one or more suitable persons, who shall be paid for their services by the day, or by the month or by the year, such compensation as said Justices may deem just and reasonable, and that the said Courts shall full have power and authority to levy taxes on all subjects that are now taxed for county purposes to meet the payment of the same.

SEC. 3. *Be it further enacted*, That in all cases where any criminal shall be sentenced upon any of the public roads, commonly called "dirt roads," leading through any section of the county, it shall be the duty of the court, at the expense of the county, to provide said criminals with good and wholesome food, and all necessary tools for the purpose of working said roads.

SEC. 4. *Be it further enacted*, That the several county courts shall have full power and authority to make all necessary arrangements for the protection, safe keeping and comfort of all criminals thus employed, and in all cases where it may be necessary to do so, there being no houses within reach of the point where said work is being done, that can be procured for lodging said criminals at night, or to protect them from the weather when it is too inclement to work, that suitable tent-poles and cloths may be provided for the same, with such camp tools as may be necessary.

SEC. 5. *Be it further enacted*, That all in all cases where the court may be of opinion that it is not necessary to con-



fine said criminals in chain gangs, by fastening them with ball and chain, the court may sentence them to work said roads without being thus confined. Discretionary powers of Courts.

SEC. 6. *Be it further enacted*, That in all cases where it may be convenient to sentence said criminals to work upon any Rail Road or other work of Internal Improvement, in progress in the State, the Court may, at its discretion, sentence any criminal to work upon such works of Internal Improvement, and in addition to the time for which said criminal may be sentenced as a punishment for the offense, said criminals may be required to work out the fine and costs incurred by the county, together with any prison fees that may have been incurred for their confinement previous to their trial and conviction, said costs to be accounted for and settled with the said county, or such person as the court may appoint to receive the same, upon such terms as may be agreed upon with the directors or managers of said work of Internal Improvement. May be set to work on rail roads, &c.

SEC. 7. *Be it further enacted*, That if any prisoner shall make his escape and fail to discharge the work in consequence of his absconding or leaving the service of the county, before the expiration of the time for which he was sentenced to work, he shall be bound to serve double the deficient time, and may be re-captured by the Sheriff at any time thereafter, and in all cases where said criminal shall abscond to any other or adjoining county, the Clerk of the County Court may, and he is hereby authorized to issue to the Sheriff of any county in the State a *capias* for his arrest. Penalty for escaping or failing to work

SEC. 8. *Be it further enacted*, That in all cases where any criminal may be sentenced to labor on any work of Internal Improvements, the directors or managers thereof, in consideration of his service, shall furnish a guard or overseer for his safe keeping and control; and in addition thereto shall furnish them with lodging and board.

SEC. 9. *Be it further enacted*, That this act shall be in force and take effect from and after its ratification.

Ratified the 2nd day of March, A. D., 1867.

## CHAPTER XXXI.

AN ACT TO AUTHORIZE THE JUSTICES OF THE COURT OF PLEAS AND QUARTER SESSIONS OF ROBESON COUNTY TO APPOINT A SPECIAL MAGISTRATE FOR SAID COUNTY.

How appointed.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Court of Pleas and Quarter Sessions of the county of Robeson, a majority of the Justices being present, at the first term of the Court, to be held after the first day of January in each and every year, may elect one of their number to act as a special magistrate for the county of Robeson, with his office in the town of Lumberton, and the jurisdiction of said special magistrate shall be the same as now belongs to a single Justice of the Peace out of Court.

Fees.

SEC. 2. *Be it further enacted,* That the said Court of Pleas and Quarter Sessions may determine and settle the fees to be charged by said special magistrate, which fees shall be collected out of the parties cast in civil suits, and in State cases by the parties convicted, or by the State when it fails to convict: *Provided,* The State shall only pay half fees; no attorney to be charged.

SEC. 4. *Be it further enacted,* That this act shall be in force from and after its ratification.

Ratified March 2, A. D., 1867.



## CHAPTER XXXII.

AN ACT TO AUTHORIZE THE COURTS OF PLEAS AND QUARTER SESSIONS FOR WAKE COUNTY TO BORROW MONEY AND ISSUE BONDS.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Courts of Pleas and Quarter Sessions of the county of Wake, twenty of the Justices being present, are empowered to borrow money for the support of the poor, and for other county purposes, and to issue therefor Bonds in such sums and running for such time as the said Justices may prescribe, the said Bonds to be signed by the Chairman of the Court, countersigned by the Clerk, and to have the seal of the Court attached: *Provided,* That said Bonds shall not be issued in sums of less denomination than one hundred dollars. Limit of denomination.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.

Ratified the 26th day of February, A. D., 1867.

## CHAPTER XXXIII.

AN ACT TO AUTHORIZE AND EMPOWER THE COURTS OF PLEAS AND QUARTER SESSIONS OF WAKE COUNTY TO REFORM THEIR FINANCIAL SYSTEM.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Courts of Pleas and Quarter Sessions for the county of Wake, a majority of the Justices

Auditor may be appointed. being present, are authorized and empowered to appoint a County Auditor of Accounts, who shall hold his office for such term as shall be prescribed by the Court.

SEC. 2. *Be it further enacted*, That when the said Justices shall have appointed an Auditor of Accounts, all the rights, powers, privileges and duties, now given and prescribed by law for Committees of Finance, shall devolve upon the said Auditor, and the said Court may require any and all officers and persons receiving, holding or disbursing the monies of the County, to report to the said Auditor their accounts at such time or times as he may prescribe for examination and settlement.

Court may prescribe other duties. SEC. 3. *Be it further enacted*, That the Court may prescribe such other duties for the said Auditor as they may think proper, and shall make suitable compensation to him.

SEC. 4. *Be it further enacted*, That the office of Auditor shall not be deemed incompatible with any other.

SEC. 5. *Be it further enacted*, That all laws coming in conflict with this Act, as far they apply to the County of Wake, are hereby repealed.

SEC. 6. *Be it further enacted*, That the provisions of this Act shall extend to the officers of the Wardens Court.

SEC. 7. *Be it further enacted*, That if the Justices of the said Court shall not appoint an Auditor of Accounts according to the previous provisions of this Act, they are hereby empowered to assign to the Committee of Finance, all the powers and duties herein given to the office of Auditor.

Ratified the 4th day of March, A. D., 1867.



## CHAPTER XXXIV.

AN ACT TO AUTHORIZE THE COUNTY COURT OF CUMBERLAND  
TO APPOINT INSPECTORS OF CRUDE TURPENTINE IN THE  
TOWN OF FAYETTEVILLE.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the County Court of Cumberland, <sup>How appoint-</sup> a majority of acting Justices being present, and assenting thereto, may, at their discretion, appoint not more than ten Inspectors of crude turpentine for the town of Fayetteville: *Provided,* The applicant for said appointment shall present said Court a recommendation from the Mayor and Commissioners of the town of Fayetteville, stating that the candidate is well qualified to discharge the duties of said office.

SEC. 2. *Be it further enacted,* That the said Inspector shall execute a bond in the sum of five thousand dollars, <sup>Shall give</sup> payable to the State of North Carolina, conditioned for the faithful discharge of the duties of said office, and faithfully inspect all the crude turpentine which he may be called upon to inspect, or which may be brought to his place for that purpose, said bond with good and sufficient security to be given in open Court, and filed in the office of the Clerk of said Court.

SEC. 3. *Be it further enacted,* That every barrel of crude turpentine shall weigh two hundred and eighty pounds gross, or, in other words, that every two hundred and eighty pounds of crude turpentine shall be estimated a <sup>How many</sup> barrel; that one or more yards shall be established in said town of Fayetteville for the inspection of turpentine, and the Inspectors thus appointed shall receive five cents for each and every barrel inspected and weighed by him, to be paid by the purchaser.

Term of office.

SEC. 4. *Be it further enacted*, That said Inspector shall hold his office for one year, or until his successor is appointed, and shall renew his bond annually: *Provided*, the incumbent may be removed by the County Court at any time for any malfeasance in office.

Inspector shall inspect at any turpentine still, when required.

SEC. 4. *Be it further enacted*, That while the County Court or the Mayor and Commissioners may, at their discretion, establish a public yard for the inspection of crude turpentine, the Inspectors shall, when required, inspect at any turpentine still in said town, or at any Rail Road Depot.

County Court may make all necessary laws

SEC. 6. *Be it further enacted*, That the County Court may make any and all such laws, rules and regulations respecting the inspection of turpentine, not inconsistent with the provisions of the Constitution and laws of the United States, or of this State—and any person violating the same shall forfeit and pay, to the use of the town of Fayetteville, the sum of ten dollars for each offence: *Provided*, such laws, rules and regulations shall have been published at four public places in said town, and in the newspapers of said town at least twenty days before they are enforced.

SEC. 7. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this Act be, and the same are hereby, repealed.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D., 1867.



## CHAPTER XXXV.

AN ACT TO POSTPONE THE SPECIAL TERM APPOINTED FOR THE  
COUNTY OF CHOWAN ON THE SECOND MONDAY OF DECEMBER,  
1866.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the special term of the Superior Court, appointed to be held for the county of Chowan, on the second Monday of December, 1866, is hereby postponed, and that there shall be a special term held for said county on the Wednesday after the first Monday of February, 1867, by any one of the Judges of the Superior Court, whom the Governor may appoint for that purpose, which term may be continued, if necessary, for two weeks, and for such further time as may become necessary under the rules, regulations and provisions of section twenty-two, of chapter thirty-one, of Revised Code. When to be held.

SEC. 2. *Be it further enacted,* That witnesses, summoned to attend either of said terms, shall be bound to attend the term hereby appointed, under like rules, regulations and penalties as they are bound to attend other special terms of a Superior Court, and that the provisions of the Revised Code, for special terms of a Superior Court, shall in all other respects apply to the term hereby appointed. Witnesses must attend.

SEC. 3. *Be it further enacted,* That this act shall be in force from and after its ratification.

Ratified December 5th, A. D., 1866.

## CHAPTER XXXVI.

AN ACT IN RELATION TO THE COUNTY COURTS OF THE  
COUNTY OF HYDE.

Justices to  
appoint a Spe-  
cial Court.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the Justices of the Peace, in and for the county of Hyde, a majority being present, at the first term of the Court of Pleas and Quarter Sessions of said county, which may happen after the first day of January in every year, to appoint five of their number to hold the Courts of Pleas and Quarter Sessions of said county, for one year, any three of whom shall have full power and authority to act, and they shall be entitled to receive the pay specified in section 6th, chapter 31st, Revised Code, entitled, "Courts, County and Superior," for holding said Courts.

SEC. 2. *Be it further enacted,* That this Act shall be in force from and after its ratification.

Ratified the 6th day of December, A. D., 1866.

## CHAPTER XXXVII.

AN ACT TO ENABLE THE COUNTY COURTS OF CRAVEN AND  
CUMBERLAND TO EXTEND THEIR SESSIONS.

Courts may  
continue until  
business is dis-  
posed of.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Courts of Pleas and Quarter Sessions, of the counties of Craven and Cumberland, at any terms thereof, to continue their sittings



from day to day, until the business and matters before the said Courts shall be disposed of, though such continuance shall reach beyond the sessions now allowed by law.

SEC. 2. *Be it further enacted*, That all vouchers, judgments, decrees or acts, made or done by the said Courts, on any such day or days to which the Courts may continue their sittings, or at such special terms, shall be as valid as if the same were made or done on and within the days of the terms now fixed by law. Proceedings  
valid.

SEC. 3. *Be it further enacted*, That all laws or parts of laws in conflict with this act are hereby repealed, and that this act shall be in force from and after its ratification.

Ratified 6th December, A. D., 1866.

## CHAPTER XXXVIII.

### AN ACT TO EXTEND THE PRESENT TERM OF THE COURT OF PLEAS AND QUARTER SESSIONS OF THE COUNTY OF WAKE.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That if the criminal business of the Court of Pleas and Quarter Sessions of the county of Wake, at the term now being held, shall not be determined before the term, as now fixed by law, shall have expired, the Court may be continued by adjournment from day to day afterward, for one week, for the dispatch of criminal business, and said Court shall have all such powers and authority as is now possessed by Courts of Pleas and Quarter Sessions in criminal matters. May contin-  
ue over one  
week.

SEC. 2 *Be it further enacted*, That all criminal process, matters and things, and all bonds, recognizances and obligations for appearance, which are of force for the present term, shall be continued and remain in force for and during the extended term.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified November 24, A. D., 1866.

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## CHAPTER XXXIX.

### AN ACT TO EMPOWER THE COUNTY COURT OF MECKLENBURG TO HOLD EXTRA TERMS.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Justices of the Peace who may constitute the Court of Pleas and Quarter Sessions for the county of Mecklenburg, be, and they are hereby authorized and empowered, to order special or extra terms of said Court, to be holden whenever in their judgment the public interest requires it, with all the powers, in the trial of criminal cases only, incident to the jurisdiction of the Courts of Pleas and Quarter Sessions.

Advertisement  
must be  
made.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Clerk of said Court, whenever an extra term is ordered, to make public advertisement of the same, in at least one newspaper published in said county, for not less than three weeks prior to the meeting of the Court.

SEC. 3. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 22nd day of December, A. D., 1866.



## CHAPTER XL.

## AN ACT SUPPLEMENTAL TO AN ACT TO EMPOWER THE COUNTY COURT OF MECKLENBURG TO HOLD EXTRA SESSIONS.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That an act passed by the General Assembly at the session of 1866 '67, and ratified the 22nd day of December, 1866, entitled "an Act to empower the County Court of Mecklenburg to hold extra terms," be and the same is hereby amended so as to confer upon the special justices of the Court of Pleas and Quarter Sessions of said county the power to order the holding of said extra terms, and the said extra Courts shall have all the powers in criminal cases conferred upon the Courts of Pleas and Quarter Session, in the thirty-first chapter of the Revised Code.

Special Justices may order extra terms.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.

Ratified March 4th, A. D., 1867.

## CHAPTER XLI.

## AN ACT TO CHANGE THE TIME OF HOLDING THE COURTS OF PLEAS AND QUARTER SESSIONS OF ALEXANDER COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the ratification of this Act, the Courts of Pleas and Quarter Sessions of the county of Alexander be held on the first Monday in March,

When held.

June, September and December, in each year, instead of the third Monday in the above named months.

SEC. 2. *Be it further enacted*, That all process now issued or which may be issued, tested on the third Monday of December last, (inst.,) or any alias writ tested of any former term, shall be returnable to the first Monday of March, 1867, and therefrom all process issuing from the said Courts of Pleas and Quarter Sessions shall be made returnable on the day above named for the holding of the said Courts.

SEC. 3. *Be it further enacted*, That an Ordinance entitled an Ordinance to change the time of holding the Courts of Pleas and Quarter Sessions of Alexander county, ratified the 30th day of May, 1866, be, and the same is hereby, repealed.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified December 12, A. D., 1866.

## CHAPTER XLII.

### AN ACT TO CHANGE THE TIME OF HOLDING THE COURTS OF PLEAS AND QUARTER SESSIONS IN YADKIN COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the ratification of this Act, the Courts of Pleas and Quarter Sessions of the county of Yadkin shall be held on the second Monday of January, April, July and October in each year, instead of the first Monday in the above named months.

SEC. 2. *Be it further enacted*, That all process now issued, or which may be issued, tested on the first Monday of October last, or any *alias* writ tested of any former term, shall be returnable to the second Monday of January, A. D. 1867, and thereafter all process issuing from the said Courts of Pleas and Quarter Sessions shall be made



returnable on the day above named for the holding of the said Court.

SEC. 3. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 11th day of December, A. D., 1866.

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### CHAPTER XLIII.

AN ACT TO EXTEND THE TIME FOR THE RETURN TO THE COUNTY COURTS OF THE LANDS TO BE SOLD FOR TAXES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That for the years 1867 and 1868 the Sheriffs shall not be bound to return lands to be sold for non-payment of taxes, as prescribed in section fifty-five, chapter twenty-two, of the Acts of the General Assembly of 1865-'66, until the term of the Court of Pleas and Quarter Sessions, to be held next after the first day of April of said years. Until what  
time extended

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified February 28th, A. D., 1867.

## CONFEDERATE CURRENCY.

### CHAPTER XLIV.

AN ACT TO CONSTRUER AN ACT ENTITLED "AN ACT TO ESTABLISH A SCALE OF DEPRECIATION OF CONFEDERATE CURRENCY," RATIFIED THE 12TH DAY OF MARCH, A. D., 1866.

Preamble. WHEREAS, From the phraseology of an Act entitled "An Act to establish a scale of depreciation of Confederate Currency, ratified the 12th day of March, A. D., 1866," doubts have arisen whether the scale of depreciation therein provided applies to debts therein named at the date the contracts were made, or at the date the debts became due: Therefore, to remove all further doubts, and to prevent further trouble,

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the scale of depreciation of Confederate Currency, established by the above entitled Act, shall be construed to apply to debts therein mentioned, at the date of contracting the same, and not at the time said debts became due.

Applies to date of contracting, not when debts became due.

SEC. 2. *Be it further enacted,* That all laws and clauses of laws conflicting with this Act be and the same are hereby repealed.

Ratified January 24th, A. D., 1867.



## COUNTIES.

## CHAPTER XLV.

AN ACT TO EXTEND THE TIME FOR THE COLLECTION AND  
RETURN OF TAXES IN CERTAIN COUNTIES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Sheriffs and Tax Collectors of the counties of this State, composing the Seventh Congressional District, together with the counties of Alexander, Wilkes and Beaufort, be allowed time until the first day of March, 1867, to collect, in their respective counties, and pay over to the Public Treasurer, the taxes which are returnable by them to the Public Treasury.

SEC. 2. *Be it further enacted,* That this Act shall be in force from and after its ratification.

Ratified the 7th day of December, A. D., 1866.

## CHAPTER XLVI.

## AN ACT TO PROTECT THE PEOPLE OF CHATHAM COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That G. J. Williams, Sheriff of Chatham county, be, and he is hereby, allowed until the first day of March, 1867, in which he shall settle his public taxes, with the Public Treasurer.

SEC. 2. *Be it further enacted*, That the said G. J. Williams, Sheriff of Chatham county, shall be liable and subject to the suits and penalties now imposed by law for failure to settle by the first (1st) day of January, 1867, in case he shall fail to settle by the first (1st) day of March, 1867; *Provided, nevertheless*, That G. J. Williams, Sheriff as aforesaid, do pay over to and account with the Public Treasurer for all sums of money collected as public tax up to the first day of January, 1867.

Penalties  
continued.

Proviso.

SEC. 3. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified December 12, A. D., 1866.

## CHAPTER XLVII.

AN ACT TO ALLOW FEES TO JUSTICES OF THE PEACE IN MECKLENBURG COUNTY AND TO INCREASE THOSE OF CONSTABLES IN SAID COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Justices of the Peace in Mecklenburg county shall be allowed the following fees: For every State Warrant, twenty-five cents; for every Attachment, fifty cents; for holding examination in criminal cases, fifty cents; for every hundred words used in reducing testimony to writing, ten cents; for every subpoena for a witness or juror, five cents; for original process in all cases where the intervention of a jury is required, one dollar; for every *ca. sa.*, fifty cents.

Fees of Jus-  
tices.

SEC. 2. *Be it further enacted*, That the fees of Constables in said county of Mecklenburg shall be increased fifty per cent., in criminal cases only, on those now fixed by law; also that they be allowed to retain a commission of ten per cent. on all sums collected in action of contract.

Fees of Con-  
stables.



SEC. 3. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 22d day of December, A. D., 1866.

## CHAPTER XLVIII.

### AN ACT FOR THE RELIEF OF PURCHASERS OF VACANT LAND IN MACON COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all persons who have heretofore entered vacant land in the county of Macon, and filed their bonds, or paid for the same, shall have further time until the first day of January, 1869, to have said land surveyed and to procure grants: *Provided*, it has not been afterward entered by other persons.

Allows further time for survey.

SEC. 2. *Be it further enacted*, That in all cases where junior entries have been made, and the first enterer having lost the land in consequence thereof, the amount, with interest from the date of payment, shall be refunded upon satisfactory evidence being produced to the Public Treasurer of the facts in the case.

Amount to be refunded to first enterers, where the land is lost by junior entry.

SEC. 3. *Be it further enacted*, That the provisions of this act shall extend to the administrators and executors of such persons as have died after making such payment.

Extended to Executors, &c.

SEC. 4. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this Act are hereby repealed, and that this Act be in force from and after its ratification.

Ratified March 2nd, A. D., 1866.

## CURRITUCK SOUND.

## CHAPTER XLIX.

## AN ACT TO PROHIBIT CITIZENS OF OTHER STATES FROM FISHING IN CURRITUCK SOUND.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That it shall not be lawful for any person living beyond the boundaries of the State of North Carolina, to fish for market, with seines, hand, drag or set nets, in the waters of Currituck Sound, or in any river, creek, or bay in Currituck county, emptying into or connecting with said Sound.

SEC. 2. *Be it further enacted,* That any person living beyond the confines of this State, violating the provisions of this Act, shall forfeit and pay the sum of one hundred dollars, to be recovered by any person who will sue for the same, in any Court of competent jurisdiction, one-half to the use of the informer, and the other to the use of the county—and be moreover subject to indictment for a misdemeanor for each and every offence.

SEC. 3. *Be it further enacted,* That this Act shall be in force from and after its ratification.

Ratified February 27, A. D., 1867.



## DEBTS CONTRACTED DURING THE WAR.

## CHAPTER L.

## AN ACT RELATING TO DEBTS CONTRACTED DURING THE WAR.

Preamble.

WHEREAS, The Convention of the State of North Carolina, by an Ordinance, ratified the 19th day of October, 1865, declared and ordained, that all debts and obligations created by the State, in aid of the rebellion, are void, and that no General Assembly shall have power to assume or provide for their payment; and *whereas*, it is made the duty of the General Assembly to provide for the payment of debts created otherwise than in aid of the rebellion; and *whereas*, it is necessary to ascertain what debts are void and what are not void under the said Ordinance: Therefore,

Governor shall appoint a Commission to investigate war claims against the State.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the Governor to appoint three discreet persons Commissioners, whose duty it shall be to investigate all claims against the State, on account of any debt or obligation created during the late war, with power to take testimony, administer oaths, send for persons and papers, and to adopt such rules and regulations as may be deemed necessary to enable them to distinguish between debts created for war purposes, and whose duty it shall be to report all such claims to the next session of this General Assembly.

SEC. 2. *Be it further enacted,* That the Commissioners shall take an oath for the faithful discharge of their duties, and shall be paid, not exceeding the sum of five dollars each, per day, while engaged under this Act, which, with any other expenses that may be incurred in carrying into effect the purpose of this Act, shall be paid out of any mon-

Commissioners to take oath. Their compensation.

eys not otherwise appropriated, on the warrant of the Governor.

SEC. 3. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D., 1867.

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## DESTRUCTION OF RECORDS.

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### CHAPTER LI.

AN ACT TO AMEND AN ACT FOR THE RELIEF OF SUCH PERSONS AS MAY SUFFER FROM THE DESTRUCTION OF THE RECORDS AND OTHER PAPERS OF THE SEVERAL COUNTIES OF THE STATE, AND FOR OTHER PURPOSES, RATIFIED 3RD OF FEBRUARY, A D., 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That so much of said Act, section 12th, as reads: "No petition to declare the contents of a deed or will or any matter of record shall be filed within five years next after the ratification of this Act," is hereby repealed; *and be it further enacted*, that the same shall be so amended Repeals part of sec. 12. as to read, instead thereof: "All petitions to declare the contents of a deed or will or any matter of record shall be filed within five years next after the ratification of this act;" and Substitutes.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified December 4th, A. D., 1866.



## DISABLED SOLDIERS.

## CHAPTER LII.

## AN ACT FOR THE RELIEF OF DISABLED SOLDIERS.

WHEREAS, By a resolution ratified the 23rd day of January, 1866, and resolutions subsequently ratified, amending the same, his Excellency, the Governor, is directed to procure artificial legs for certain disabled soldiers therein mentioned, or pay commutation to such as may procure such limbs at their own expense: *and whereas*, it is found in executing said duty, that a number of cases occur, in which it is impossible to apply an artificial limb in such manner as to be of any service to the sufferer: Therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in all cases in which it shall appear to the satisfaction of the Governor, that an artificial leg cannot be applied, it shall be his duty, and he is hereby directed and authorized, instead of the limb to which such party would be entitled, to cause to be paid to him a sum of money equal to that which is paid for such limbs, and for this end he shall draw on the Treasurer for such sums as from time to time may be required.

Commu-  
tation allowed  
where arti-  
ficial leg cannot  
be applied.

SEC. 2. *Be it further enacted,* That this Act shall be in force from and after its ratification.

Ratified the 19th day December, A. D., 1866.

## CHAPTER LIII.

AN ACT TO SUPPLY ARTIFICIAL LIMBS TO DISABLED SOLDIERS  
AND FOR OTHER PURPOSES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That his Excellency, the Governor of this State, be, and he is hereby, authorized and directed to make a contract with some manufacturer of artificial limbs, to supply artificial arms for those officers and soldiers of this State who lost arms in the service during the late war.

Governor to  
make a con-  
tract.

SEC. 2. *Be it further enacted,* That in case any officer or soldier has provided such arm at his own expense and the same shall be made to appear to the satisfaction of the Governor, it shall be his duty to cause to be paid to said officer or soldier, a sum of money equal to the cost of such limbs when furnished by the State.

Value to be  
refunded,  
where arm has  
already been  
procured.

SEC. 3. *Be it further enacted,* That in cases in which an artificial arm cannot be applied, and in cases in which the sufferer prefers commutation instead of the artificial arm, it shall be the duty of the Governor to cause to be paid to him such sum of money as shall be equal to the cost of such arms when furnished by the State.

Commutation

SEC. 4. *Be it further enacted,* That the Governor shall take the necessary steps to carry this Act into effect.

SEC. 5. *Be it further enacted,* That this Act shall be in force from and after its ratification.

Ratified the 15th day of February, A. D., 1867.



## DOWER.

## CHAPTER LIV.

AN ACT RESTORING TO MARRIED WOMEN THEIR COMMON LAW  
RIGHT OF DOWER.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That every married women shall be entitled to one third interest of all the lands, tenements and hereditaments of which her husband is or may be seized and possessed at any time during coverture—in which third part, shall be comprehended the dwelling house in which her husband and family usually reside, and commonly known and called the mansion house; together with the offices, out-houses, building and other improvements thereunto belonging or appertaining; which third interest shall not be subject to seizure on execution for the payment of any debt of her husband, during the term of her life: *Provided,* That said interest shall not attach to any lands that may have been *bona fide* conveyed by the husband previous to the passage of this act.

Every married woman one-third interest of a her husband's lands, &c.

Proviso.

SEC. 2. *Be it further enacted,* That no alienation by the husband, with or without covenants of warranty, under the provisions of this act, shall have any other, or further effect, than to pass his two-thirds interest in the same: *Provided,* That upon the wife joining with her husband in the deed, and acknowledging the same, according to the provisions of existing laws, being privately examined touching her free consent in the execution of said conveyances, any or all of said land may be sold and conveyed; and that the Chairmen of the Courts of Pleas and Quarter Sessions, as to the lands located in their respective counties, shall have

Alienation by husband shall only pass two-thirds.

Proviso.

the same power to conduct such examination as is now given by law to the Judges of the Supreme and Superior Courts, and the certificate of such Chairmen, touching lands in their respective counties, shall have the same force and effect as if signed by a Judge.

Proceedings  
in case of fail-  
ure or insol-  
vency of hus-  
band.

SEC. 3. *Be it further enacted*, That in case of the failure or insolvency of the husband, his creditor, or creditors, having established their claim, by obtaining judgment for the same, may file their petition in the County or Superior Courts of the county in which the defendant resides, setting forth the nature and amount of their claim, and particularly specifying the lands, tenements and hereditaments they may desire to have sold, and praying that the one-third interest of the wife, in which shall be comprehended the dwelling and out-houses as aforesaid, may be allotted and set apart to her by proper metes and bounds; whereupon the Court shall issue a writ to the Sheriff of the county, commanding him to summon a jury of five freeholders, unconnected with the parties by consanguinity or affinity, and entirely disinterested, who, upon oath administered to them by the Sheriff, shall allot and set off to the wife one-third part of all the lands, in said county, of which her husband may be seized and possessed; and in case such land may lie in more counties than one, the Sheriff of the county, in which the petition is filed, may summon a jury from one or all of said counties, who shall view, and if necessary, have surveyed all of said lands, and shall not be restricted to each different tract, but may allot the same from one or more tracts, including the dwelling; and shall put the wife in possession of the same. And when the proceedings shall have been reported to the Court by said jury, and the court shall have confirmed the same, the title to the land so allotted and set apart to the wife shall be deemed to have vested in her by virtue of her marriage.

Proceedings  
summary.

SEC. 4. *Be it further enacted*, That the proceedings shall be in a summary manner, and the Court shall at the first term hear and determine the same as to them shall seem just and right: *Provided*, That the husband and wife shall



have had ten days notice previous to the sitting of said Court, and be served with a copy of the petition.

SEC. 5. *Be it further enacted*, That on the coming in of the report by the jury, and its confirmation by the Court, the plaintiff may have an order for sale of the residue of the land, including the reversion, after the determination of the life estate.

SEC. 6. *Be it further enacted*, That all laws and clauses of laws coming in conflict with the provisions of this Act, be and the same are hereby repealed.

SEC. 7. *Be it further enacted*, That the provisions of this Act shall be in force and take effect from and after its ratification.

Ratified March 2nd, A. D., 1867.

## ELECTIONS.

### CHAPTER LV.

AN ACT TO REPEAL AN ORDINANCE OF THE CONVENTION OF NORTH CAROLINA, ENTITLED "AN ORDINANCE TO CHANGE THE TIME OF ELECTIONS IN NORTH CAROLINA, AND FOR OTHER PURPOSES."

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That an Ordinance, passed in Convention and ratified on the 20th day of June, A. D., 1866, entitled "An Ordinance to change the time of elections in North Carolina, and for other purposes," and every section and clause therein, be and the same is hereby repealed.

Repeals Ordinance of Convention.

SEC. 2. *Be it further enacted*, That so much of the provisions of chapter 52, Revised Code, prescribing the time

Restores provisions of Rev Code, ch. 52.

and mode of conducting said elections, as were changed by said Ordinance, are hereby declared to be in full force and effect.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified February 9, A. D., 1867.

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### EXCHANGE OF BONDS.

### CHAPTER LVI.

AN ACT TO AUTHORIZE THE EXCHANGE OF CERTAIN BONDS  
ISSUED DURING THE WAR FOR INTERNAL IMPROVEMENT PURPOSES FOR NEW BONDS.

Preamble.

WHEREAS, under an act of the General Assembly of 1860-'61, chapter 142, entitled, "An Act to secure the completion of the Wilmington, Charlotte and Rutherford Rail Road Company, and to amend its charter," Coupon Bonds of the State, to the amount of \$950,000, were issued to the Wilmington, Charlotte and Rutherford Rail Road Company, dated July 1st, 1862, and due July 1st, 1892, payable, principle and interest, in "good and lawful money of the Confederate States of America," at Raleigh, of which \$520,000 are still outstanding; *and whereas*, the Convention of the people of the State, by Ordinance, ratified 18th October, 1865, entitled "An Ordinance declaring what Laws and Ordinances are in force, and for other purposes," did declare "That all the acts and doings of the civil officers of the State, since the 20th day of May, eighteen hundred and sixty-one, or which may be done under, and in virtue of, any authority purporting to be a law of the State, which is consistent with its allegiance to the United States, and



with the Constitution of the State, shall be deemed valid, and of the same force and effect as if the State had not, on that day or since, attempted to secede from the United States;" *and whereas*, it is the opinion of the General Assembly, that the issue of the aforesaid Bonds by the Public Treasurer, being in pursuance of a law passed before the year 1861, was under a law of the State "consistent with the allegiance of the State to the United States, and with the Constitution of this State," and has therefore been declared valid by said Ordinance; *and whereas*, of the (\$520,000) five hundred and twenty thousand dollars aforesaid still outstanding, Herman H. Robinson, of the county of New Hanover, holds and is the owner of some twenty-odd thousand dollars received by him at their par value, for work and labor done by him under a contract with said Wilmington, Charlotte and Rutherford Rail Road Company, entered into at prices less than those now paid for similar labor; *and whereas*, the bonds issued as aforesaid, by the terms of their payment, were unavailable: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Public Treasurer be directed, on the surrender, by the said Herman H. Robinson, of any of the above mentioned bonds, not exceeding the amount of (\$28,000) twenty-eight thousand dollars, to issue to said Robinson, in lieu thereof, other Coupon Bonds of like denomination, dated 1st of January, 1867, and payable 1st of July, 1892, with interest at six per cent. per annum, payable semi-annually, as well as the principal when due, at such place as the Public Treasurer may prescribe.

SEC. 2. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D., 1867.

Public Treas-  
urer to issue  
to Herman H.  
Robinson, Cou-  
pon bonds in  
lieu of others  
to be surren-  
dered.

## EXECUTIONS.

## CHAPTER LVII.

## AN ACT TO PROTECT PROPERTY SOLD UNDER EXECUTION FROM SACRIFICE.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the* *thority of the same,* That in all cases where property shall be offered and exposed to public auction at execution sale, whether such execution issue from a Justice of the Peace, or from any of the several courts of said State, before such sale shall take place, it shall be the duty of the Sheriff or other officer, having the execution or executions, to summon a Justice of the Peace and two freeholders, in every case of such execution, when required so to do by the defendant, his attorney or agent, to be and appear on the day of sale, and at the place of sale, and the said Justice of the Peace shall administer to the said freeholders the following oath: "I, ———, do solemnly swear, that I am unconnected with both plaintiff and defendant in this execution, that I am without prejudice towards either of the parties, and that I will view and examine in every case of such execution, when required so to do, the property of the defendant, and assess at cash valuation each article of said property, impartially and to the best of my judgment and belief, so help me God."

SEC. 2. *Be it further enacted,* That should said freeholders be unable to agree as to the value of all, or any of said property of said defendant, so levied on, that it shall be the duty of said Justice to act as umpire, and when such assessment and valuation shall be agreed upon, it shall be the duty of said freeholders to report the same to said offi-

Sheriff to  
appoint Com-  
missioner to  
assess the val-  
ue of property  
offered at exe-  
cution sale.

m port to be



cer, in writing, signed with their names, specifying therein the cash value of each article of property levied on, of every character whatever, and it shall be the duty of said officer to return such inventory with said valuation, with the papers in the case.

SEC. 3. *Be it further enacted*, That if any land or other article of property so assessed, shall be offered for sale under any execution or writ of *fieri facias* or *venditioni exponas* or decree for sale, and shall not bring three-fourths of its appraised value, that fact shall be taken and deemed by the Sheriff or other officer, in whose hands the process may be, to be conclusive evidence of a want of fair competition among bidders and of an unjust sacrifice of the property to the detriment of both the debtor and creditor, and it shall, in that case, be the duty of the Sheriff or other officer to forbear the sale of said property, and return the process to the court from which it issued at its succeeding term, or, if from a Justice of the Peace, then before some Justice of the Peace, within sixty days, with an endorsement of the facts and "no sale, for the want of fair competition among bidders," whereupon *alias* process may issue, and the property shall again be advertised and offered for sale, and if, again, it shall not bring three-fourths of its value, as appraised as aforesaid, the Sheriff or other officer shall make a similar return, and so continue from term to term, until there shall be sufficient competition among bidders to produce a fair sale.

Sheriff shall  
forbear sale, if  
property does  
not bring  $\frac{3}{4}$  of  
its assessed  
value.

New sale to  
be ordered.

SEC. 4. *Be it further enacted*, That said Justice and freeholders shall be entitled to and shall receive from said defendant, one dollar each, for every day they may be engaged in making said valuation.

Compensa-  
tion of Com-  
missioners.

SEC. 5. *Be it further enacted*, That all laws and clauses of laws, coming in conflict with this act, be, and the same are hereby, repealed.

SEC. 21. *Be it further enacted*, That this act shall be in full force and effect from and after its ratification.

Ratified the 26th day of February, A. D., 1867.

## CHAPTER LVIII.

## AN ACT TO STAY EXECUTIONS IN COURTS OF RECORD.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in all cases where judgments in actions *ex contractu* have been rendered in any Court of Record in this State previous to May, A. D., 1865, the executions on said judgments shall be stayed until the Spring Term, 1868, of the Courts in which said judgments were rendered.

SEC. 2. *Be it further enacted,* That this Act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D., 1867.

## EXECUTORS, ADMINISTRATORS, &amp;C.,

## CHAPTER LIX.

## AN ACT FOR THE RELIEF OF EXECUTORS, ADMINISTRATORS, &amp;C.

Preamble. WHEREAS, many Executors, Administrators, Guardians, Sheriffs, Clerks of Courts, Trustees, and others holding offices or places of a fiduciary character, have, in the discharge of the duties of their offices or places, received in good faith Confederate money, or currency, or the Treasury notes issued by the State of North Carolina during the late war, or have invested funds thus in their hands in the bonds of the Confederate government, and the bonds of the State of North Carolina, which have been repudiated, and may have thereby incurred individual liability by reason



of said currency and bonds having become valueless in their hands; and *whereas*, owing to the general insolvency occasioned by the late war, it is expedient to enlarge the discretion of persons holding fiduciary positions in the settlement of claims contracted prior to May 1st, 1865:

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That Executors, Administrators, Guardians, Sheriffs, Constables, Coron rs, Clerks of the Superior and County Courts, Clerks and Masters of the Courts of Equity, Trustees and other holding offices or places of a fiduciary character, shall not be held liable for having received in payment of any debt, demand or claim of any description thus in their hands, or under their control, the currency of the Confederate government, or of this State, or for having invested funds thus in their hands in the bonds of the Confederate government, or the bonds of this State which have been repudiated, but the same shall be presumed to have been thus received or invested in good faith, and no presumption of *mala fides*, or *express*, implied or constructive notice shall arise against them by reason of the progressive depreciation, or greater or less degree or amount of depreciation of said currency or bonds—Confederate or State.

Not liable for having received or invested in State or Confederate securities during the war.

SEC. 2. *Be it further enacted*, That in all trials of suits or other proceedings, either at law or in equity, in which the question of diligence or negligence, whether of greater or less degree, shall arise, the same shall, on notice of either party to such suits or other proceedings, be submitted to a jury as a question of fact; such issue, when arising in a Court of Equity, to be made up and sent to a jury, under the direction of the Court.

When question of diligence or negligence is raised, shall go to jury.

SEC. 3. *Be it further enacted*, That if any one of the persons mentioned in the first section of this Act, holding claims in a fiduciary character due before May 1st, 1865, shall, in good faith, and in the exercise of reasonable diligence, compromise the same, by receiving less than their full amount, such person shall be chargeable only with the sum so received in the settlement of his accounts, unless it

Compromise made in good faith operative

shall be shown that there was a want of good faith or due diligence in such compromise.

Sec. 4. *Be it further enacted*, That in all cases of contracts made for the purchase or sale of any species of property, Where deduction is claimed, the parties concerned shall choose a Commission to assess and make statement de-real or personal, wherein any Executor, Administrator, Guardian, or other person holding any office or place of a fiduciary character, shall be concerned either as creditor or debtor, and any deduction shall be claimed by reason of said contract being founded on the Confederate, or any other depreciated currency, on affidavit of that fact by the party claiming such deduction, it shall be lawful for said parties, creditors and debtors, each to choose one disinterested man, with power in them to choose an umpire, who, or a majority of whom, shall be authorized to assess, at its gold value, the property in reference to which said contract was made, at the time of making the same, and make a statement thereof in writing, duly signed by them; and such award shall be conclusive and binding on the parties concerned, and a full protection to such Executor, Administrator, Guardian, or other person holding an office or place of a fiduciary character, and such persons are authorized to receive or pay the same according to such award.

Sec. 5. *Be it further enacted*. That Executors and Administrators shall have power to prefer any creditor or &c., shall have the right to prefer in certain cases. creditors of the deceased persons, whom they represent, over all other creditors of equal dignity, though the creditor or creditors, so preferred, may not have commenced suit, and though such Executor or Administrator may have notice by suits commenced, of the existence of other debts, equal in dignity to those so preferred; and such payments shall have like force and effect, and such personal representative shall, in all respects, be treated in law and equity, as though judgment had been confessed in favor of the preferred creditor or creditors, as now allowed by law.

Sec. 6. *Be it further enacted*, That this Act shall be in force and take effect from and after its ratification.

Ratified the 2d day of March, A. D., 1867.



## GINSENG.

## CHAPTER LX.

AN ACT TO PREVENT THE DESTRUCTION OF GINSENG IN THE  
MOUNTAINS OF NORTH CAROLINA.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That any person digging Ginseng between the first day of April and the first day of September, shall forfeit and pay the sum of ten dollars for each day or part of a day's digging, and shall also be guilty of a misdemeanor, and liable to be indicted and fined at the discretion of the Court: *Provided,* That no man shall be prevented from destroying Ginseng upon his own premises.

Penalty for  
digging be-  
tween April 1,  
and Sept 1.

SEC. 2. *Be it further enacted,* That this Act shall be in force from and after its ratification.

Ratified January 28th, A. D., 1867.

## HOMESTEADS.

## CHAPTER LXI.

AN ACT TO ESTABLISH FREEHOLD HOMESTEADS FOR THE CITIZENS  
OF THE STATE, AND ALSO TO EXEMPT CERTAIN PERSONAL  
PROPERTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be lawful for any citizen

Allotment of  
homestead on  
filing petition,  
by five free-  
holders.

Proviso.

of the State, who is possessed of a freehold of lands within the same, to file his petition in the Court of Pleas and Quarter Sessions of the county, where the land lies, praying for the allotment of a homestead therefrom, not exceeding one hundred acres if in the county, or one acre if in the city or town, which allotment may\* include a single dwelling and the necessary out-houses, and, thereupon, it shall be the duty of the Court to appoint five freeholders to lay off and allot to the petitioner said homestead, by metes and bounds, according to their discretion, make a descriptive account of the same under their hands and seals, and return it to the Court at its next session: *Provided*, That if any building, other than the necessary out-houses or houses belonging to the *curtilage*, shall be erected on any part of said homestead in a town or city, then so much of the land, as is covered by said buildings, shall not be exempt longer from execution under the provisions of this Act.

Report to be  
registered.

SEC. 2. *Be it further enacted*, That upon the return, as aforesaid, it shall be the duty of the Clerk to record it upon the minutes, and to make out and deliver to the Register of the county a copy thereof, who shall register the same in his books, making a memorandum of the time when it is done at the foot of the registration, for which services these officers shall be entitled to the fees fixed by law in similar cases.

Homestead  
not subject to  
execution.

SEC. 3. *Be it further enacted*, That the homestead, so laid off and registered, shall not be subject to execution for any debt contracted, or cause of action, or other liability, save taxes accruing, after the same is registered: *Provided*, Said homestead shall not be exempt from execution, for any debt or cause of action arising upon any penal bond or covenant previously executed, although the same may accrue after the registration aforesaid.

On ca. sa.  
sued out on  
judgment  
since registra-  
tion, person  
need not put  
homestead in  
list of effects.

SEC. 4. *Be it further enacted*, That if any person be taken under a *capias ad satisfaciendum*, sued out upon any judgment founded, or cause of action accrued, subsequent to the registration aforesaid, it shall not be required of him to put the allotted homestead in his schedule of effects, or to sur-



render the same : *Provided*, This exemption shall not apply as aforesaid to process on judgment, founded on penal bonds or covenants previously executed, although the causes of action did not accrue till after the registration.

SEC. 5. *Be it further enacted*, That no male person in lawful wedlock have power to sell or dispose of a homestead <sup>Consent of wife necessary to sale, &c., of homestead.</sup> so set apart without the concurrence of his wife, evidenced by deed, executed and verified with the same formalities that may be required by law to convey the lands of *femes covert*.

SEC. 8. *Be it further enacted*, That in all cases where a homestead freehold is laid off under the provisions of this <sup>Dower in the homestead.</sup> Act, from an estate descendable to heirs, and the wife survives, she shall be entitled to the said homestead for dower, if she shall so elect, to be allotted to her in the manner now provided by law; subject, nevertheless, to the condition that, if she marry again, there being a child or children of the issue of her first husband, she shall take one-third of the same only, including the dwelling: *Provided*, That the homesteads provided for in the foregoing sections shall not be exempt from debts incurred for making improvements thereon or cultivating the same: *Provided, further*, That such exemption shall continue after the death of such householder or householders, for the benefit of the children as a home, until the youngest child shall become twenty-one years of age.

SEC. 7. *Be it further enacted*, That the following property of each head of a family, or housekeeper, shall be exempt <sup>Property exempted from execution.</sup> from execution, except for taxes, after the ratification of this Act, to-wit: All necessary farming and mechanical tools, one work horse, one yoke of oxen, one cart or wagon, one milk cow and calf, fifteen head of hogs, five hundred pounds of pork or bacon, fifty bushels of corn, twenty bushels of wheat or rice, household and kitchen furniture, not to exceed in value two hundred dollars, the libraries of licensed attorneys at law, practicing physicians and ministers of the Gospel, and the instruments of surgeons and dentists used in their professions.

SEC. 8. *Be it further enacted*, That all laws and clauses of laws coming in the meaning and purview of this Act are hereby repealed.

Ratified February 25th, A. D., 1867.

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## HORSE-STEALING.

### CHAPTER LXII.

#### AN ACT FOR THE BETTER SUPPRESSION OF THE CRIME OF STEALING HORSES AND MULES.

Preamble. WHEREAS, The crime of stealing horses and mules hath, of late, notwithstanding the punishment provided by law, become much more common than formerly, to the great loss of many persons, and the injury of public morals; for remedy whereof,

Death penalty. SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That every person who shall steal any horse, mare, gelding or mule, and shall be thereof convicted according to due course of law, shall suffer death.

Accessory. SEC. 2. *Be it further enacted*, That every accessory before the fact to any such felony and stealing as aforesaid, shall also, on due conviction thereof, suffer death.

Ratified Feb. 25, A. D. 1867.



## IMPRISONMENT FOR DEBT.

## CHAPTER LXIII.

## AN ACT TO ABOLISH IMPRISONMENT FOR DEBT.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall not be lawful to arrest or imprison any person upon any original writ for debt, assumpsit, covenant or any other breach of contract, issuing out of any court of record in this State, or upon any warrant issuing from any Justice of the Peace, nor upon any *capias ad satisfaciendum* issuing from any Court of Record or from any Justice of the Peace in this State.

Abolished.

SEC. 2. *Be it further enacted,* That all original writs shall only summon the defendant or defendants to be and appear at the next term of the court, to which said writs are returnable: *Provided,* That if the plaintiff, in any action of debt, assumpsit, or covenant, shall make oath in writing, that the defendant or defendants are about to remove himself or property beyond the limits of this State, and shall, at the same time, swear to the amount that such person or persons are indebted to him, and that the same is justly due, then the plaintiff shall have a *capias ad respondendum* or *ad satisfaciendum*, or a bail warrant to arrest the body of such absconding debtor: *Provided further,* That if at any time after the issuing of the writ, and before execution levied, the plaintiff, his agent or attorney, shall make oath before the Clerk of the Court, from which the writ is issued, that the defendant is about to leave the State, or remove his property beyond the limits of the State, then the Clerk shall issue an alias writ of *capias ad*

Provisos.

*respondendum* or *ad satisfaciendum* as the case may be, and the defendant shall be required to give bail.

SEC. 3. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act, be and the same are hereby repealed.

SEC. 4. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 21st day of February, A. D., 1867.

## CHAPTER LXIV.

AN ACT SUPPLEMENTAL AND EXPLANATORY OF AN ACT PASSED BY THIS GENERAL ASSEMBLY, ENTITLED "AN ACT TO ABOLISH IMPRISONMENT FOR DEBT."

Preamble.

WHEREAS, The second section of an act passed at this session of the General Assembly, entitled an act to abolish imprisonment for debt, provides "That all original writs shall summon the defendant or defendants to be and appear at the next term of the Court to which said writs are returnable;" and whereas, it was only intended that said act shall apply to actions *ex contractu*: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That in all actions of tort, the plaintiff shall be entitled to his writ of *capias ad respondendum*.

Limiting the Act of Feb. 21. SEC. 2. *Be it further enacted*, That the provisions of the above recited act shall only apply to actions of debt, assumpsit and covenant or actions *ex contractu*.

SEC. 3. *Be it further enacted*, That this act shall be in force and take effect from and after its ratification.

Ratified the 4th day of March, A. D., 1867.



## JURORS.

## CHAPTER LXV.

## AN ACT TO PAY JURORS IN CAPITAL CASES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That in all indictments for capital felonies the *tales* jurors, who may be summoned to try and who do try said cases of capital felony, shall receive the same pay as the regular panel of jurors do now receive by law for their services. Shall have the same pay as the regular panel.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.

Ratified March 1, A. D., 1867.

## LANDLORDS.

## CHAPTER LXVI.

AN ACT TO AMEND AN ACT FOR THE RELIEF OF LANDLORDS, RATIFIED THE 26TH DAY OF JANUARY, 1863, AND AN ACT, AMENDATORY OF THE SAME, RATIFIED THE 28TH DAY OF MAY, 1864.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That an Act, passed by the General As

Amends the above recited acts so as to provide, where the tenant holds over, that the jury shall hear evidence and assess damages for rent, waste &c., &c.

In case the defendant appeals.

sembly at its session of eighteen hundred and sixty-two, sixty-three, (1862-'63) and ratified the 26th day of January, A. D., 1863, entitled "An Act for the relief of Landlords," and an act to amend the same, ratified the 28th day of May, A. D., 1864, be, and the same are hereby, amended, so as to enact and provide, that if the jury shall find that the tenant holds over, they shall hear evidence and assess the damages to which the Landlord shall be entitled, including the value of the occupation of the premises sued for, from the expiration of the tenant's term, to the rendition of their verdict, and damage for waste and trespass during the time of said holding over; and the Justices before whom the cause is tried, in addition to the order of possession, shall render judgment against the defendant for the damages so assessed, and all costs, and if the defendant shall appeal, as provided in the third section of said act, he shall be required to enter into bond, with good and sufficient security to cover all costs and damages, which may be recovered against him in the Superior Court, and, if, upon trial of the cause in the Superior Court, the finding shall be in favor of the Landlord, the jury shall assess the damage to which the Landlord shall be entitled at double the value of the rent or occupation of the premises sued for, from the expiration of the tenant's term to the rendition of their verdict, and damages for the waste and trespass during the time of said holding over; and the Court shall order a writ of possession and render judgment against the defendant and his sureties upon the appeal bond to be discharged by the payment of the damages so assessed and all costs; and this judgment shall bar the action for *mesne* profits or trespass by the landlord.

Sheriffs' fees. SEC. 2. *Be it further enacted*, That the Sheriff shall receive the same fees for serving notice on the tenant under the act of which this is amendatory, as is now allowed by law for serving copy of declaration in ejectment, and for summoning jurors and witnesses the same fees as for summoning jurors and witnesses to attend Superior Courts; and all persons summoned to attend as jurors and witnesses



shall be entitled to the same pay as is now allowed by law to jurors and witnesses attending Superior Courts.

SEC. 3. *Be it further enacted*, That the said act shall also be so amended as to require the Sheriff to summon five, <sup>Five instead of 20 and three</sup> instead of twenty, and three, instead of twelve, jurors as <sup>instead of 12 jurors.</sup> now provided in said act, three (3) of whom shall examine and inquire into the fact of tenancy and holding over.

SEC. 4. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D., 1867.

## CHAPTER LXVII.

### AN ACT TO PROTECT LANDLORDS AGAINST INSOLVENT TENANTS.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That whenever the lessee of land shall, for the rent thereof, agree (either by deed or *parol demise*) to deliver to his landlord a certain share of the crop, or certain part of a specified kind thereof, to be grown on the land, then so much of the crop or that particular kind thereof, grown on the premises by the lessee or any under tenant, as will be sufficient to satisfy the rent for the year, shall be deemed the property of such landlord, as fully as it vested in him, in severalty, from the time when said crop, or any particular kind thereof, shall have been gathered, and the landlord may maintain an action of replevin for his said property, in accordance with the provisions of chapter 98, Revised Code of North Carolina: *Provided, however*, That the landlord, in such cases, shall make oath before the Clerk, at the time of issuing the writ of replevin, that he has demanded said rent, and his lessee or under-tenant has refused or failed to deliver it, and that he has reason to believe, that his lessee or under-tenant intends

Where lessee agrees to deliver to landlord a certain share of his crop, &c., it shall be deemed the property of the latter as fully as if vested in him.

Proviso.

to use, sell or destroy it: *Provided, further,* That such landlord shall, at the time, swear what amount, by measurement or weight of the crop, or any particular kind thereof, he believes to be his property, and that security be required, as provided in said chapter of the Revised Code, for double the sworn value of the amount so fixed, and that a jury, on trial, may render a verdict for a larger or smaller amount, according to the evidence: *Provided, further,* That the landlord shall not, in such cases, be required to swear that he has had possession of said rents, and that rule 1, chapter 98, Revised Code, shall not apply to the cases provided for in this Act.

Landlord  
may attach in  
certain cases

SEC. 2. *Be it further enacted,* That when the rent of the land is to be paid in money, the landlord may attach enough of the crop raised on the land to secure the rent due said landlord, upon his making oath that the rent is then due, and that he believes the tenant is about to remove and make way with the crop grown on said land, and that he believes the tenant has no other property to secure said rent by action at law, notwithstanding the parties may be residents of the same county.

Ratified February 28, A. D., 1867.

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## LITERARY BOARD.

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## CHAPTER LXVIII.

AN ACT TO AUTHORIZE THE CONSOLIDATION OF THE SECURITIES OF THE STATE, HELD BY THE LITERARY BOARD, AND FOR OTHER PURPOSES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Public Treasurer shall be au-



thorized, in exchange for the Bonds of the State, held by the Board of Literature, dated prior to May 20th, 1861, and since May 20th, 1865, and interest accruing thereon to the 1st day of January, 1867, to issue a certificate of indebtedness, signed by the Treasurer, dated January 1st, 1867, and bearing interest at the rate of six per cent per annum, payable semi-annually at the Treasury: *Provided*, That said certificate shall likewise include the sum of \$4,120, being the amount of principal and interest of Bonds dated July 1st, 1862, issued to the Wilmington, Charlotte and Rutherford Rail Road Company, under an Act passed prior to the 20th May, 1861, belonging to the said Road, burnt by the Secretary of State and Comptroller, under Resolution of the Convention, ratified June 1866.

Public Treasurer to issue certificate of indebtedness in exchange for certain bonds.

Said certificate to include certain bonds of Wil., Char. & Ruth. R. R. Company.

SEC. 2. *Be it further enacted*, That the Bonds of the State, surrendered as provided in the preceding section, shall be cancelled by the Public Treasurer, in presence of the Secretary of State and Comptroller, who shall make a report thereof to the General Assembly.

Surrendered bonds to be cancelled.

SEC. 3. *Be it further enacted*, That the interest on any certificate issued under this Act, as the same may become due, shall be paid by the Public Treasurer, out of any moneys not otherwise appropriated, to the Board of Literature, and said moneys, as well as all others, which come into their hands, may be invested by them from time to time, in Bonds of the State, dated prior to May 20th, 1861, and since May 20th, 1865, which bonds may be exchanged for like certificates of indebtedness, as is authorized in section 1, whereupon they shall be cancelled, as prescribed in section 2: *Provided*, That the Public Treasurer shall not be required to issue certificates for less amounts than thirty thousand (\$30,000) dollars.

Interest to be paid, when due, to Literary Board.

SEC. 4. *Be it further enacted*, That the said Board of Literature shall be authorized to lend any of the moneys in their hands to the Public Treasurer for the use of the State, whatever, in his opinion, the exigencies of the Treasury may require, and he shall give therefor a certificate bearing six per cent interest, payable at such time as may be agreed on.

Board authorized to lend their moneys to the State.

SEC. 5. *Be it further enacted*, That this Act shall be in force from its ratification.

Ratified the 26th day of February, A. D., 1867.

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## MARRIAGE LICENSE.

### CHAPTER LXIX.

AN ACT TO AMEND CHAPTER 68, REVISED CODE, PRESCRIBING THE DUTIES OF CLERKS IN ISSUING MARRIAGE LICENSE.

Bond no longer required.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That so much of section two (2) of said chapter, Revised Code, as requires the Clerk to take bond, with sufficient security, in the sum of one thousand dollars, payable to the State of North Carolina, conditioned that there is no lawful cause to obstruct the marriage, which bond shall be filed in office, and may be put in suit and recovered by the person aggrieved by the issuing of license, or by the marriage, is hereby repealed.

Clerk shall issue license.

SEC. 2. *Be it further enacted*, That said section be further amended as follows, to-wit: The Clerk of the County Court of the county, in which the *feme* resides, shall issue a license for the marriage of any person not in this chapter prohibited, to any person applying for the same, directed to any ordained minister or Justice of Peace, in which license he shall state the names of the parties in full, and the parents of each, when known, and also whether the parties are white or colored.

SEC. 3. *Be it further enacted*, That upon the return of the license and certificate of marriage, as required by section four (4) in said chapter, it shall be the duty of the



Clerk to copy such evidence of marriage in books to be kept by him for the purpose, stating, in parallel columns, the time and place of such marriage, the names of the parties and the parents of each, and by whom married, keeping such registry of white and colored persons in separate books; for which service he shall receive a fee of forty cents, in addition to other fees allowed by law.

Duty of Clerk  
on return of  
license, &c.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

Ratified the 26th day of February, A. D., 1867.

## CHAPTER LXX.

AN ACT TO AMEND SECTION 6TH, CHAPTER 40TH, OF AN ACT RATIFIED THE 10TH OF MARCH, 1866, ENTITLED "AN ACT CONCERNING NEGROES AND PERSONS OF COLOR OR OF MIXED BLOOD."

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That so much of the Act ratified on the 10th day of March, 1866, "concerning negroes and persons of color or mixed blood," in section sixth, (6) chapter fortieth, (40,) as requires such persons to have their marriages recorded before the first day of September, 1866, be repealed, and the time for recording such marriage is hereby extended until the first day of January, 1868, and any persons failing to have their marriages recorded according to this Act, shall be deemed guilty of a misdemeanor, and punished at the discretion of the Court, as provided in said section 6th of the original Act of 1866.

Time of re-  
cording by  
persons of  
color, &c, ex-  
tended to Jan.  
1, 1868.

Ratified the 4th day of March, A. D., 1867.

## PUBLIC LAWS.

## CHAPTER LXXI.

AN ACT TO SECURE PROPER "INDEXES" TO THE "PUBLIC LAWS"  
AND JOURNALS OF THE GENERAL ASSEMBLY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Principal Clerks of the two Houses of the General Assembly shall hereafter be required to provide full and complete Indexes for the Journals of their respective Houses, and for the Public and Private Laws, published by authority of the General Assembly; and that the said Clerks shall each be allowed one hundred dollars as a compensation therefor.

Clerks of the  
two Houses to  
index Journals  
and Laws.

SEC. 2. *Be it further enacted,* That the said Clerks shall be allowed one hundred dollars each for transcribing a copy of their respective Journals, to be filed in the office of the Secretary of State.

Compensation for transcribing Journals.

SEC. 3. *Be it further enacted,* That this Act shall be in force from the date of its ratification, and all laws and clauses of laws in conflict with its provisions are hereby repealed.

Ratified the 1st day of February, A. D., 1867.



## REVENUE.

## CHAPTER LXXII.

## AN ACT TO RAISE REVENUE.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That for the support of the State government, and to meet appropriations made by law, the taxes hereinafter designated, payable in the existing National currency, shall be annually assessed and collected under the rules and regulations prescribed in this Act, and in the Act for Collecting Revenue, ratified March 12th, 1866, all the provisions of which, except so far as modified or repealed, shall be held applicable to secure the assessment, collection and return of the taxes herein imposed.

Taxes levied annually—how payable—collected under Act of March 12th, 1866.

## RULES OF TAXATION.

RULE 1. Taxes hereinafter imposed on purchases, sales, or receipts, earnings, income or profits, shall be, unless otherwise directed, on the total amount thereof during the year preceding the 1st day of April of each year: *Provided,* That purchases, sales, or receipts, earnings or profits, on which taxes were paid for the three months, preceding the first day of July, 1866, under the Revenue Act, ratified March 12th, 1866, shall be exempt.

Purchases, sales, &c.

RULE 2. Articles taxed *ad valorem* shall not be liable to such tax, when in the hands of traders and others who list the purchases or sales of said articles.

Merchandise not taxed *ad valorem*.

RULE 3. Property and purchases, sales or receipts, taxed at a higher rate, shall not be liable to pay any other tax, at a lower rate, but the imposition of a tax for license to carry

License tax not relieve from other taxes.

on any trade or business, shall not relieve the property or stock in trade from the property tax, unless there is likewise a tax on the receipts, purchases, earnings or sales of such business or trade.

**RULE 4.** When the purchases, receipts, earnings or sales of any Corporation or Joint Stock Company are taxed, the shares of stock therein owned by individuals shall not be liable to *ad valorem* tax.

**RULE 5.** Corporations and Joint Stock Companies, except as hereinafter is excepted, shall be liable to taxation in the same manner as individuals, and shall list their property and other taxables, through their chief officer or agent, and no person shall be required to include, as part of his personal property and investments, any share or portion of the capital stock or property of any company or corporation, which is required to list its capital and property for taxation in this State.

**RULE 6.** Rail Road, Turnpike, Plank Road, Canal and Navigation Companies shall not be required to list their property or capital, but the shares thereof shall be listed by the stockholders thereof as a part of their investments.

**RULE 7.** The powers and duties in this Act, or in any other Act, relating to the collection and return of State and county taxes, entrusted to and required of Sheriffs, shall likewise be entrusted to and required of Tax Collectors, when such officers are in any county appointed.

**RULE 8.** Whenever the Sheriff is authorized to collect taxes on unlisted subjects, he is authorized and directed to administer an oath, to ascertain the true amount of taxes due.

#### SCHEDULE A.

The property and other subjects, designated in the several sections of this schedule, shall be annually listed at the times designated in the said Act for collecting Revenue, to the list-taker in the several districts of the counties, and, where taxed *ad valorem*, shall be listed at the value thereof, in national currency, on the 1st of April preceding.



Until otherwise directed by the General Assembly, real property shall be rated at the valuation of 1860, as modified <sup>Valuation of land.</sup> in certain cases, by the assessment of 1866, under the provisions of sections 28 and 29, of the Act for Collecting Revenue, and by such further modifications as may be hereafter made, under the provisions of said sections. There shall be a new valuation of real estate during the year 1868, as <sup>New valuation in 1868.</sup> prescribed in said Act for Collecting Revenue. The tax herein imposed shall not be on said valuation, but the same shall be reported by the Clerks of the several County Courts, on or before the 1st day of August of said year, to the Public Treasurer, by him to be laid before the next General Assembly. The personal property shall be valued on oath by the tax payer, at the usual selling price of similar property at the time of listing, and at the place where the same may then be, and if there be no usual selling price known to the person whose duty it shall be to fix a value thereon, then at such price as it is believed could be obtained therefor in money, at such time and place. It shall be the duty of the list-taker to examine carefully each return presented to him, and if, in his judgment, he shall find the property embraced in the same, below the value thereof, it shall be his duty to assess the true value thereon. If the person making such returns shall be dissatisfied with the valuation of the list-taker, he may select some disinterested person, and the list-taker shall choose a second, and these two a third, a majority of whom shall determine the amount of assessment on the property embraced in the said return. <sup>Valuation of Personalty.</sup>

### 1. POLL TAX.

On each taxable poll or male between the ages of 21 and 45, except those maimed or permanently disabled, and also <sup>Poll tax. Exemptions.</sup> except such poor and infirm persons as the County Court may declare and record fit subjects of exemption, the tax shall be fifty cents. It shall be the duty of all persons and corporations to list and pay the tax of such persons liable <sup>Employers list laborers.</sup> to the same, as are in their employment, on the 1st day of

Laborers get  
certificates,  
when?

April of each year, as laborers, and the amount of said tax may be retained out of any moneys due such employees. Such employees shall be listed in the county where they are employed. And, upon failure so to do, any person or persons subject to such poll-tax, removing himself or themselves from one county into another, on, before, or just after the 1st day of April, of each year, shall take with him or them a certificate from the tax list-taker, of his or their district, or some other responsible man, who may have listed him or them, showing him or them to be duly listed for such tax—upon failure so to do, shall be subject to double tax, retained from his or their wages by the first person employing him or them, whose duty it shall be to pay over the same to the Sheriff and take his receipt therefor, otherwise to be subject to said double tax; in every instance ascertained and collectable by distraint.

#### CLASS 1.

The following subjects in Class 1st. shall pay a tax of one-tenth of one per cent., on the cash value thereof, to be estimated as hereinbefore prescribed.

Realty.

SECTION 1. Real property, with the improvements thereon, including entries of land.

Farming im-  
plements and  
live stock.

SEC. 2. All waggons and other farming utensils, neat cattle, horses, mules, asses, jennets, hogs and sheep, made and raised for sale.

Furniture and  
books.

SEC. 3. Household furniture, exceeding \$300 in value. This paragraph includes, besides other furniture, clocks, pictures, other than family portraits, and books over the value of \$500.

Agricultural  
products  
hoarded.

SEC. 4. Agricultural products, except family supplies for one year, in the hands of the producer, after the expiration of twelve months from the time the same were produced.

Agricultural  
products  
bought on  
speculation.

SEC. 5. Agricultural products, in possession of a purchaser, who does not pay tax on such products as a merchant or trader. Family supplies for one year shall be exempt.

SEC. 6. Solvent credits, deducting therefrom the liabilities of the tax-payer as principal and as surety, where the prin-



cial is insolvent, the term "credits" to include all claims or demands owing to the tax-payer, whether due or not, whether payable in money or other things, and whether owing by persons within or without the State. Merchants and other traders shall not be bound to list the credits accruing in the regular course of their business, during the twelve months preceding the 1st day of April of the year of listing. No deduction shall be made on account of any obligation given to an insurance company, except to the amount of an assessment already made, nor on account of any unpaid subscription to any institution, society, corporation or company.

SEC. 7. Investments in public bonds and stocks, and the bonds and stocks, or shares, of such corporations and joint stock companies, as do not list their property for taxation as prescribed in Rule 5. This section shall include securities of any State or Government, or municipal corporation, not exempt by the laws of this State or the United States; also shares of stock in Rail Road, Turnpike, Plank Road, Canal and Navigation Companies, whether in or out of the State, as prescribed in Rule 6.

SEC. 8. Moneys above \$100 in value, the term "money" to include coin, bullion, bank notes, and the notes of any State or Government, designed to circulate as money, also deposits in this State or elsewhere, with individuals or corporations, payable on demand. Coin and bullion, as well as notes, shall be listed at their value in such currency as is commonly paid for taxes.

SEC. 9. Ships, barges, boats and other water craft, or any interest therein, with their tackling, rigging and furniture, and all else pertaining to them, if exceeding one thousand dollars in value, whether in the waters of this State at the time of listing or not.

SEC. 10. Capital invested, used or employed in any trade or business, other than is mentioned specially in this class, except where said trade or business is taxed in this Act on the purchases, sales or receipts thereof.

SEC. 11. All shares of stock in any National Bank, located within this State, whether held or owned by residents or non-residents of this State, shall be listed for taxation and

Solvent creditors.

Public bonds and Railroad, &amp;c., stocks.

Money.

Shipping.

Capital in business.

National Banks.

taxed in the county where the Bank is located, one-tenth of one per cent. on the value of said shares, to be listed and paid by the Cashier.

## CLASS 2.

The subjects mentioned in Class 2nd shall pay a tax of one-half of one per cent. *ad valorem*.

Watches. SEC. 1. Gold, silver, and other watches, if exceeding \$10 in value.

Gold & silver and plated ware. SEC. 2. Gold and silver ware and plated ware, if exceeding in value \$25.

Jewelry. SEC. 3. Jewelry worn by males, including watch chains, seals and keys, if collectively exceeding \$25 in value.

Pleasure carriages and horses. SEC. 4. Pleasure carriages and other vehicles, for the conveyance of persons, and also pleasure horses, if exceeding \$50 in value.

Musical instruments. SEC. 5. Harps, Pianos, Violins and other musical instruments in use, if exceeding in value \$50.

Salaries and fees. SEC. 6. The amount of salaries and fees, if exceeding \$500, received, or which might have been received, during the year, either in money or thing of value, in consideration of the discharge of any office or employment, in the service of the United States, or of this or any other State, or of any company, firm or person, except where the service is exclusively that of a minister of the gospel.

## CLASS 3.

The subjects and persons mentioned in this Class shall be taxed as is specially mentioned.

Nett income. SEC. 1. On the nett income and profits derived by each person, joint stock company and corporation, from any occupation, employment or business in which they may have been engaged, and from every investment of labor, skill, property or money, and the nett income and profit from any source whatever (except "salaries and fees") during the year preceding the 1st day of April in each year, as follows: If said income amounts to \$500 and less than three thou-



sand dollars, one-half of one per cent ; if amounting to three thousand dollars and upwards, one per cent. The tax imposed in this section shall be in addition to other taxes in this Act imposed, except where laid on gross receipts and dividends and profits elsewhere taxed, and shall include interest on securities of the United States, of this State, or other State or Government.

In estimating the nett income, the only deduction by way of expenses shall be, first, taxes other than the income tax due this State.

Deductions.

Second, Rent for use of buildings or other property, or interest on incumbrances on property, used in the business from which the income is derived.

Third, Usual or ordinary repairs, but not for new buildings or permanent improvements.

Fourth, Cost or value of the labor, (except that of the tax-payer himself,) raw material, food, and all other necessary expenses incidental to the business from which the income is derived.

The tax-payer shall return to the list-taker the gross amount of his income, and the gross amount of expenses to be deducted therefrom.

SEC. 2. Every person who brings into this State, or buys from a non-resident, his agent or consignee, by sample or otherwise, spirituous or vinous liquors, ale, porter, lager beer, or other malt liquors, for the purpose of sale, ten per cent. on the amount of his purchases during the year preceding the 1st of April of each year ; such tax not to be less than thirty cents per gallon.

Spirituous  
&c., liquors,  
from out the  
State.

SEC. 3. Every person who buys to sell again, spirituous, vinous or malt liquors, from the maker in this State, his agent, factor or consignee, five per cent. on the amount of his purchases during the said year, not to be less than ten cents per gallon : *Provided*, That whenever the purchaser of liquors mentioned in this or the preceding section agrees to pay the tax due the United States or this State on such liquors, said tax shall be held part of the purchases.

Liquors in  
the State.

Any person in possession of any of the liquors named in this or the preceding section, shall be deemed liable to pay the highest of said taxes, unless he proves by the oath of

himself and also of a credible witness, or certificate of a Sheriff or list-taker, that the said liquors have been duly listed in this State.

**Ferries, &c.** SEC. 4. The tax on Public Ferries, Toll Gates, Toll Bridges, shall be on the nett receipts, if exceeding \$500, ten per cent. ; on Gates across highways ten dollars.

**Merchants, &c.** SEC. 5. Every merchant, jeweler, grocer, druggist, produce dealer, and every other trader, who, as principal or agent, carries on the business of buying or selling goods, wares or merchandise of whatever name or description, one tenth of one per cent. on the total amount of his purchases, in or out of the State, for cash or on credit.

**Commission merchants, &c.** Commission merchants, factors, produce brokers, and other persons selling for others as factors or agents, shall pay a tax of one-fifth of one per cent on the gross amount of their sales during the year.

The tax on purchases or sales, as the case may be, of articles, the growth or manufacture of this State, if bought in the State, and articles, the growth or manufacture of adjoining States, if brought into this State for sale by the grower or manufacturer, shall be only one-twentieth of one per cent.

Purchases taxed at a different rate from that imposed in this section, shall not be listed under this section. Merchants and other traders shall list separately their purchases of liquors, ready made clothing and other articles taxed at a higher rate.

**Ready-made clothing, &c.** SEC. 6. Dealers in ready made clothing for males shall pay one-half of one per cent. on the total amount of purchases during said year.

**Hotels, &c.** SEC. 7. On the gross receipts of hotels, restaurants, and eating houses, if exceeding \$300, the tax shall be one-fourth of one per cent.

**Gas companies.** SEC. 8. On the gross receipts of gas companies, one-half of one per cent.

**Money, &c., brokers.** SEC. 9. Every money or exchange, bond or note broker, private banker or agent of a foreign broker or banker, in addition to the *ad valorem* tax on their capital invested, and the tax on their nett income, shall pay, if employing a



capital of twenty thousand dollars, or more, a license tax of one hundred dollars; if a capital of less than twenty thousand dollars and not less than ten thousand dollars, fifty dollars; and if a capital of ten thousand dollars or less, a tax of twenty-five dollars; and also ten dollars additional for each county in which they have an agency.

SEC. 10. Every person who purchases in or out of the State for sale, or brings into the State for sale, playing cards, shall pay a tax of twenty-five cents for each separate deck or pack so bought or brought into the State. For failure to list and pay this tax, the Sheriff shall collect by distress or otherwise, \$500, one moiety of which shall be accounted for as taxes, the other moiety to be retained by the Sheriff. Playing cards.

SEC. 11. On each stud-horse and jackass let to mares for a price, there shall be a tax equal in amount to one-half the & price charged for the season. Stud-horse,

SEC. 12. Every person, who, for himself or as agent of another, sells riding vehicles manufactured out of the State, shall pay one per cent. on his sales. Riding vehicles made out of State.

SEC. 13. Every auctioneer, on all goods, wares or merchandize, sold by himself, whether the growth or manufacture of this State or not, shall pay one-half of one per cent. on the gross amount of sales, and if by itinerant traders, or such as are not residents of the State, two per cent. on the gross amount of sales, subject to all the regulations and exemptions set forth in the tenth chapter of the Revised Code, entitled "Auctions and Auctioneers." Auctioneer.

SEC. 14. Every dirk, bowie knife, pistol, sword cane, dirk cane and rifle cane, (except arms used for mustering and police duty,) used or worn about the person of any one, at any time during the year, one dollar: *Provided*, That any person who shall wear said weapons and fail to list the same and pay the tax, shall be guilty of a misdemeanor, and shall forfeit the weapon worn, the same to be sold by the Sheriff and the proceeds of said sale to be appropriated to the county fund. Dirks, pistols, &c.

Parents or guardians shall list any of said arms worn or used as aforesaid by their minor children or wards.

**Dead-heads.** SEC. 15. Persons commonly called "Dead-heads," traveling on Rail Roads or Canals, paying nothing or less than two cents per mile, shall be taxed one cent for each mile so traveled during the year preceding the 1st day of April; but public officers, officers of Rail Road and Canal Companies, and Ministers of the Gospel, shall not be held to list the number of miles traveled on official duty.

**Collateral descendants.** SEC. 16. Upon all real and personal estate, whether legal or equitable, situate within the State, which shall descend or be devised or bequeathed to any collateral relation or person, other than a lineal descendant or ancestor of the husband or wife of the deceased, or husband or wife of such ancestor or descendant, or to which such collateral relation may become entitled, under the law, for the distribution of intestate estates, and which real and personal estate may not be required in payment of debts and other liabilities, the following per centum tax upon the value thereof shall be paid :

1. If such collateral relation be a brother or sister of the father or mother of the deceased, or issue of such brother or sister, a tax of one per cent.

2. If such collateral relation be a more remote relation, or the devisee or legatee be a stranger, a tax of one and one-half per cent.

**Realty.** The real estate liable to taxation shall be listed by the devisee or heir in a separate column, designating its proper per cent tax.

**Personalty.** The personal estate, or real estate reduced to assets, shall be liable to the tax in the hands of the executor or administrator, and shall be paid by him, before his administration account is audited or the estate is settled, to the Sheriff of the county. If the real estate descended or devised shall not be the entire inheritance, the heir or devisee shall pay a *pro rata* part of the tax, corresponding with the relative value of the estate or interest.

If the legacy or distributive share to be received shall not be the entire property, such legatee or distributee shall, in like manner, pay a *pro rata* part of the tax, according to the value of his interest.



Whenever the personal property in the hands of such administrator or executor, (the same not being needed to be converted into money in the course of the administration,) shall be of uncertain value, he shall apply to the County Court to appoint three impartial men of probity, to assess the value thereof; and such assessment being returned to Court and being confirmed, shall be conclusive of the value.

Personalty,  
how valued.

To facilitate the collection of the tax on collaterals, every executor or administrator shall return in his inventory, whether the estate of the deceased goes to the lineal or collateral relations, or to a stranger, and if to collaterals, the degree of relationship of such collaterals to the deceased, under penalty of one hundred dollars, to be recovered in the name and for the use of the State; and it shall be the duty of the Clerk of Court of Pleas and Quarter Sessions, to furnish the Sheriff with the names of the executors and administrators, who make such returns after each and every term of his Court.

Duties of  
Executor, &c.

#### SCHEDULE B.

The Sheriff shall collect the taxes set forth in this Schedule annually, unless otherwise directed, and shall, unless provision is made to the contrary, grant to the tax-payer license to carry on his business, or use the articles taxed, until the 1st day of July ensuing. But persons having already paid tax under the Revenue Act, ratified March 12, 1866, for license to carry on any business, or use any article for twelve months from July 1st, 1866, shall not pay any further tax under this Act, prior to July 1st, 1867. Retailers of spirituous liquors, who have paid tax according to law, may retail for twelve months from the time of issuing their license without further payment. There shall be no license required of horse and mule drovers, and itinerant sellers of live stock, books and other articles, as mentioned in proviso 3, section 18, of this Schedule.

License granted.

SECTION 1. Traveling Theatrical Companies for each county, shall pay ten dollars for each exhibition. When

Theatrical  
exhibitions.

Theatrical exhibitions are by the season of not less than three months, the tax shall be one hundred dollars.

Concerts,  
Lectures. SEC. 2. On Concerts and Musical Entertainments for profit, shall be paid for each county, five dollars. On each Lecture for reward, five dollars.

Menageries,  
Curiosities,  
&c. SEC. 3. On Menageries, Museums, Wax Works or Curiosities of any kind, natural or artificial, (except paintings and statuary,) on each day's and night's exhibiting, shall be paid ten dollars.

Circus. SEC. 4. On every exhibition of a circus, for each day or part of a day, twenty dollars for each county, and for each side show to a circus, five dollars.

Other exhibi-  
tions. SEC. 5. On itinerant companies or persons who exhibit for amusement of the public, otherwise than is mentioned in the four preceding sections, for each county five dollars. Exhibitions of the character mentioned in the preceding sections, in counties whose seats contain less than one thousand inhabitants, shall be taxed only one-half the amount above designated. Exhibitions given without charge for admission, and also those exclusively for charitable objects, shall be exempt.

Spirit rap-  
pings. SEC. 6. On each public exhibition of Spirit rappings, or other device, by whatever name called, which professes to reveal communications from the spirits of the living or dead, for profit or otherwise, one hundred dollars.

Gift enter-  
prises. SEC. 7. On all gift enterprises, or any person or establishment offering any article for sale, and proposing to present purchasers with any gift or prize, as an inducement to purchase, within the limits of the State, ten dollars for each day such person or establishment continues in operation. This tax shall not be construed to relieve such persons or establishment from any penalties incurred by violation of law.

Home In-  
surance Com-  
panies. SEC. 8. Every Insurance Company, incorporated by this State, taking new policies, \$50.

Agency of  
Banks. SEC. 9. Every Agency of a Bank incorporated out of the State, \$250.

Billiard ta-  
bles. SEC. 10. The tax on public billiard tables shall be \$50 each; on private billiard tables \$10 each.



When said tables may be used for four months or less, one-half of the above rates shall only be payable.

SEC. 11. To keep a ten pin alley, or alley of like kind, or bowling saloon, or bagatelle table, or any other table, stand or place, for any other game or play, with or without a name, unless such alley, stand, place, or game, is kept for amusement or exercise alone, and not prohibited by law, there shall be a license tax of \$25. When the same may be used for four months, one-half of the above rates shall only be paid.

Ten pin alleys, &c.

SEC. 12. Any person whose occupation is to keep horses or vehicles to let or to carry persons or things for reward, shall pay a tax of five dollars, and, in addition, fifty cents for each stall.

Livery Stables

SEC. 13. Every licensed retailer of spirituous liquors, wines or cordials, fifty dollars for one year. Every retailer of malt liquors only shall pay twenty dollars. The taxes in this section shall be in addition to the tax imposed on purchases of liquors in Schedule A.

Retailers.

SEC. 14. Any person using a distillery for spirituous liquors, distilled for his own use or for sale, or for others, shall pay, if from grain, twenty-five cents per gallon. No person shall distill any spirituous liquor from grain without a license from the County Court, or the Special Court, out of term time, who shall meet at the Court House, and report their proceedings in writing to the Clerk of the County Court. It shall be the duty of the Clerk to inform the Sheriff of the persons to whom licenses have been granted, and any person distilling without such license shall pay a tax of ten dollars for every day or part a of day, he may so unlawfully distill. For the aforesaid taxes and penalty, the Sheriff, if need be, shall distrain and sell the still and fixtures, as well as any other property of the party liable. It shall be the duty of the Sheriff to collect the taxes, by this section imposed, quarterly, on the first days of April, July, October and January; and to ascertain the amount thereof, he may enter on the premises where the still is located, and may examine the books of the distiller. If the distiller should refuse to disclose on oath, the number

Distillations from grain.

of gallons by him distilled, he shall pay as taxes \$500, which the Sheriff shall collect by distraint of the still and fixtures, or any other personal property of the distiller, three-fourths of which shall be accounted for as taxes, and one-fourth he may retain to his own use.

Itinerant Dentists, Daguerreotypists, &c.

SEC. 15. Every itinerant dentist, portrait or miniature painter, daguerrean artist and other persons taking likenesses of the human face, ten dollars for each county in which he carries on his business: *Provided*, That such person as shall furnish satisfactory evidence to the Sheriff of the county in which he proposes to practice, that he is a resident of the State, and has listed the receipts of his profession for the previous year, shall be exempt from the tax imposed in this paragraph.

Non-resident horse drovers.

SEC. 16. Every non-resident horse or mule drover, or person who receives horses or mules to sell for a non-resident, one-half of one per cent. on the amount of each sale or profit made by exchange of horses or mules, due as soon as the sale is effected, and upon his neglect or failure to pay such tax, in every county in which he sells, he shall forfeit and pay the sum of one hundred dollars, which shall be collected by the Sheriff by distress or otherwise, one-half to his own use and one-half to the use of the State. Every horse or mule drover shall be considered a non-resident, unless the Sheriff has satisfactory evidence that he is a resident of the State; and the Sheriff shall have power and authority to examine on oath, at any time, any horse or mule drover, or person who receives horses or mules to sell for another, as to whether he has made any sale or exchange, and as to whether he is a non-resident, or agent of a non-resident, and on his failure to answer, he shall be subject to the same penalty as for failure or neglect to pay such tax.

Stud horses, &c., of non-residents.

SEC. 17. Every stud horse or jackass let to mares for a price, belonging to a non-resident of the State, ten dollars, unless the highest price demanded for the season, for one mare, exceed that sum, in which case the amount thus demanded shall be paid for the license. The payment to one Sheriff, and the license under his hand, shall protect the subject in this section taxed in any county of this State.



Every stud horse or jackass shall be considered as belonging to a non-resident, unless the Sheriff is furnished with satisfactory evidence that the owner is a resident of the State.

SEC. 18. Every person that peddles goods, wares, or merchandise, either by land or water, not the growth or manufacture of this State, or any drugs, nostrums or medicines, whether such person travel on foot or with a conveyance or otherwise, shall first have proved to the County Court or three Justices out of term time, that he is of good moral character, and shall have obtained from the Court or Justices (who may, in their discretion, make or refuse,) an order to the Sheriff to grant him peddler's license, to expire on the first of July next ensuing. And the Sheriff, on production of a copy of such order, certified by the Clerk of such Court, shall grant such license for his county on the receipt of twenty dollars tax: *Provided*, (1.) That not more than one person shall peddle under the license. (2.) That any person who temporarily carries on a business as a merchant in any public place, and then removes his goods, shall be deemed a peddler. (3.) That nothing in this section contained shall prevent any person from freely selling live stock, vegetables, fruits, oysters, fish, books, charts, maps, printed music, or the articles of his own growth or manufacture. (4.) That nothing herein contained shall release peddlers from paying the tax imposed in this Act, on persons who deal in the same species of merchandise, which tax shall be collected or secured in the same manner as in the case of other merchants and traders.

Peddlers.

Prove character.

SEC. 19. Every itinerant who deals in or puts up lightning rods, five dollars for each county in which he carries on his business.

Lightning rod men.

SEC. 20. Every itinerant who sells spirituous liquors, wines or cordials, not the product of his own farm, in quantities equal to one quart and less than one barrel, shall pay twenty-five dollars for every county, and be under the same rules and restrictions as peddlers, except that an order from court or justices shall not be required for a license.

Itinerant liquor sellers.

Gypsies.

SEC. 21. Every company of Gypsies, or strolling company of persons who make a support by pretending to tell fortunes, horse-trading, tinkering or begging, fifty dollars in each county in which they offer to practice any of their crafts, recoverable out of any property belonging to any one of the company. But nothing herein contained shall be so construed as to exempt them from indictment, or penalties imposed by law.

Sellers by  
samples, &c.

SEC. 22. Every non-resident or drummer, or agent of a non-resident, who shall sell any spirituous, vinous or malt liquors, goods, wares or merchandise, by sample or otherwise, whether delivered or to be delivered, shall pay on his sales a tax of like amount as is payable by residents on their purchases or sales, as the case may be, of similar articles. Before making such sales, he shall obtain from the Sheriff of the county, in which he proposes to do business, a license in writing, which the Sheriff may give on his entering into bond in the sum of \$500, with sufficient security, conditioned to pay the taxes herein imposed, when demanded by the Sheriff. Any person violating the provisions of this paragraph shall forfeit and pay \$500 to the Sheriff, to be collected by distress or otherwise; \$400 of which shall be accounted for as other tax, and the residue he may retain to his own use, or to the use of the informer.

Amendment  
of Act to Col-  
lect Revenue.

SEC. 23. Section 80 of the "Act for Collecting Revenue," ratified the 12th day of March, 1866, shall be amended to read as follows:

Sheriff take  
bond of new  
merchants,  
&c.

It shall be the duty of the Sheriff to demand, that every merchant, trader, auctioneer, commission merchant, liquor seller or other persons required to list their purchases, sales or receipts, commencing business after the 1st of April of each year, shall give bond with sufficient security payable to the State in double the supposed amount of taxes, conditioned that he will list his purchases, sales or receipts and pay taxes on the same as the law requires. The Sheriff failing to perform the duties of this section imposed, shall be liable to pay the taxes which, by such negligence, he fails to collect. If such merchant or trader shall desire to



leave the State before the time of listing taxables, he may list and pay to the Sheriff, who is authorized to surrender the said bond, if, in his opinion, a fair disclosure is made to him.

SEC. 24. Section 96 of the Act for collecting Revenue shall be amended to read as follows: The Sheriff, for his services in collecting and paying the public taxes into the Treasury, shall receive a compensation of two per cent. on the nett amount received by him from the Clerk for taxes imposed by Schedule C. of the Revenue Act, and five per cent. on sums not exceeding ten thousand dollars collected by him from every other source, and on the excess of ten thousand dollars, four per cent., to be deducted in the settlement of his account with the Comptroller. For collecting and paying county taxes, for whatever purpose laid, the Sheriff shall receive the same per centum compensation, as above allowed on public taxes.

Compensation of Sheriffs.

#### SCHEDULE C.

The taxes embraced in Schedule C shall be listed and paid as is specially therein directed.

SEC. 1. Every Express Company shall make return to the Public Treasurer on or before the 1st Mondays of January, April, July and October of each year, of the gross earnings and receipts of such Company, within the State of North Carolina, during the three months next preceding. The said report shall be verified by the oath of the chief officer or agent of the Company, at its principal office in the State, and he shall require from the several agents, employed by the Company, a report of their transactions, on oath, which report shall accompany the report of the chief officer. The said Company shall, on or before the 3rd Monday of each of said months, pay on gross receipts one per cent. for each three months, and for failure to make such report, or pay such tax, the Company shall pay as taxes \$2,000, to be collected by such Sheriff as the Public Treasurer may designate, by distress or otherwise.

Express Companies.

Telegraph  
Companies.

SEC. 2. Every Telegraph Company doing business in this State, shall, at the times, and in the manner, prescribed in the preceding section, make report of the receipts of said Company within this State, and pay to the Public Treasurer one-half of one per cent. for each three months, and in case of default of such report or payment, the Company shall pay as tax \$1,000, to be collected by such Sheriff as the Public Treasurer shall designate, by distress or otherwise.

Foreign In-  
surance Com-  
panies.

SEC. 3. Every Insurance Company, not incorporated by this State, doing business therein, shall, in April and October of each year, make report to the Public Treasurer, on oath, showing the amount of assessments collected, or premiums received, and obligations for premiums from such business, for the six months ending on the 1st day of April and October next preceding, and shall immediately pay one per cent. on the amount of said assessments, premiums and obligations for premiums. On failure to comply with the provisions of this section, the Company shall pay, as taxes, \$2,000, and the principal agent shall be liable therefor, to be collected by such Sheriff as may be designated by the Public Treasurer, by distress or otherwise.

Banks and  
home Insur-  
ance Compa-  
nies.

SEC. 4. The chief officers of Banks, including Savings Banks, and such Insurance Companies as are incorporated by this State, shall, in April and October of each year, certify on oath the amount of dividends declared, or which have been earned, if any, and shall pay into the Public Treasury, upon such dividends, three per cent. On failure to comply with the provisions of this section, said Banks or Companies shall pay, as taxes, \$1,000, to be collected by such Sheriff as the Public Treasurer may designate, by distress or otherwise.

Seals.

SEC. 5. Whenever the seal of the State, of the Treasury department, a notary public, or other public officer required by law to keep a seal, shall be affixed to any paper except as herein after is excepted, the tax shall be as follows, to be paid by the party applying for the same : For the seal of the State, one dollar, to be collected and paid into the Treasury by the Private Secretary of the Governor; for the seal of the Public



Treasurer, to be collected by him and accounted for as other public monies, fifty cents; for the seal of the Supreme Court fifty cents, to be collected by the Clerk and paid by him into the Treasury, and for the seal of a Notary Public, or other public officer, twenty-five cents, to be collected and paid over by the officer collecting the same, to the Sheriff of the county where such seal is kept. Said officer, shall keep an account of the number of times their seals may be used, and shall deliver to the proper officer a sworn statement thereof. Whenever a scroll is used in the absence of a seal by any of said officers, the said tax shall be on the scroll. Seal made for the use of any County, or State, or other Government, or used on the Commissions of officers in the militia, justices of the peace, or any public officer not having a salary, or under the pension laws, shall be exempt from taxation: *Provided*, That the provisions of this section shall not extend to seals of Courts of Equity, Superior or County Courts.

Exemptions

SEC. 6. On each marriage license, mortgage deed, marriage contract, and deed in trust to secure creditors, there shall be a tax of one dollar. On every other deed conveying or contracting to convey title to real estate, and on all other instruments admitted to registration, where the consideration exceeds \$300 and is less than \$1,000, 50 cents, and 25 cents in addition for every additional \$1,000. Where any of the foregoing instruments are proved before the Clerk of the County Court, he shall be charged with the collection of the tax as heretofore. Where probate is otherwise made, the Register shall collect and pay the same, less five per cent. commissions, to the Sheriff, rendering a sworn statement of the number and character of the instruments admitted to registration and of the taxes due thereon, which the Sheriff shall file with the Clerk of the County Court, as directed by section eighty-three of the Act for Collecting Revenue.

Marriage license, Mortgage &amp; other deeds.

Register collect, when?

SEC. 7. On every charter of incorporation of any company granted by the General Assembly, other than those for charity, benevolence or literature, where the corporations had power to become incorporate under the provisions

Charters of Mining and Manufacturing Companies

of chapter twenty-six, Revised Code, entitled "Corporations," and on any amendment of every such charter, whether originally granted by the General Assembly or secured by letters patent or otherwise, there shall be a tax of twenty-five dollars, paid directly to the Public Treasurer. No company shall be organized under such special Act of incorporation or derive benefit from any act to amend their charter, without first obtaining a certified copy of such Act from the Secretary of State, which shall not be furnished until the Treasurer's receipt for the said tax shall be filed in the office of the said Secretary. The benefits of this section shall extend to all charters granted at the sessions of the Legislature for 1865 and 1866, and the Convention of 1866, not heretofore accepted by the Corporators.

#### EXEMPTIONS.

SEC. 8. The following property shall be exempt from taxation, in addition to those articles specially mentioned as exempt :

Public property.

1st. The property belonging to the United States or to this State, or to any County or Incorporated City or Town.

Property of Colleges and Schools and Churches.

2nd. The property belonging to and set apart and exclusively used for the University, Colleges, Institutes, Academies, Schools for the education of youth, or the support of the poor or afflicted. Such property as may be especially set apart for and appropriated to the exercises of divine worship or the propagation of the Gospel, or used as parsonages.

Graveyards.

3rd. Such property as may be set apart for grave yards and burial lots, except such as is held with the view to profit, or for the purpose of speculating in the sale thereof.

Agricultural Societies.

4. Such property of the State and Agricultural Societies, as may be set apart and used by them for agricultural fairs.

Fire engines, &c.

5th. All fire engines and other implements used for the extinguishment of fires, with the buildings exclusively used and necessary for the safe keeping thereof.



6th. Each person in this State may hold, exempt from taxation, personal property of any description, of which he is the actual owner, not exceeding one hundred dollars in value, except such property as is specifically taxed. \$100 of personalty not specifically taxed.

7th. The property and poll of all persons, who have lost an arm, leg, hand or foot, or who have been disabled from performing ordinary manual labor, by any other wound, or any disease or accident; also the property of widows: \$250 of property of those maimed, and of widows.  
*Provided*, That the property exempted of such person herein included, shall not exceed two hundred and fifty dollars in value; *And provided, further*, That the excess over two hundred and fifty dollars in value, of the property of all such persons, shall be subject to taxation as other property, and it shall be the duty of the County Courts, in the several counties of this State, upon motion, to examine the claims of all persons, claiming the benefits of the foregoing section, and, upon proof that they are included within its provisions, to grant certificates of exemption to such persons, which certificates shall be issued by the clerk, and he shall receive no fee therefor.

SEC. 9. The Act of the General Assembly, ratified March 12th, 1866, entitled "an Act to Raise Revenue," and all other laws imposing taxes, the subjects of which are revised in this Act, are hereby repealed: *Provided*, That this repeal shall not extend to the provisions of any law, so far as they relate to the taxes listed, or which ought to have been listed, or which may be due previous to the ratification of this act. Repeal

SEC. 10. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 26th day of February, A. D., 1867.

## CHAPTER LXXIII.

## AN ACT TO REGULATE TAXATION BY THE COUNTY COURT.

Taxes laid  
by Justices  
hereafter to  
be in conform-  
ity with gene-  
ral Revenue  
Act.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the taxes laid by the Justices of the Courts of Pleas and Quarter Sessions of the several counties of the State, shall, hereafter, under existing regulations, be imposed on all those subjects and persons on which taxes are imposed, for State purposes, by the General Revenue Act of the State, then in force, and which are collectable and payable into the Public Treasury by the Sheriffs, and the levies by said Courts shall be on all subjects and persons uniform and in certain proportions to the levies made by the State.

Like powers,  
penalties, &c.,  
to enforce pay-  
ment.

SEC. 2. The powers, regulations and penalties authorized and prescribed to enforce the payment of State taxes, shall be extended to include county taxes, and the Sheriffs and other officers shall be subject to like penalties for failure or malfeasance in the discharge of their duties.

Like penal-  
ties for neg-  
lect, &c.

SEC. 3. In all cases where penalties are imposed on tax payers or officers whose duties pertain to the Revenue, for breach or neglect of duty in regard to taxes payable to the State, there shall be penalties of like amount for breach or neglect of duty in regard to taxes payable to the Counties.

SEC. 4. In all cases of conflicting claims to moneys collected from any tax payer, the State shall have the priority.

Special term  
to be called in  
certain cases.

SEC. 5. If the County Courts in any of the countie of the State have failed to levy the taxes for county purposes as heretofore required by law, then, and in that case, a Court may be called, in conformity to the provisions of the 107th section, chapter twenty-two, Acts of 1865-'66, to levy taxes for such purposes.



SEC. 6. The Justices of any county who may have heretofore levied, or may hereafter, prior to the promulgation of this Act, levy taxes under the Revenue Act of March 12th, 1866, may, at a general or special term of the Court of Pleas and Quarter Sessions of their respective counties, impose taxes under the Revenue Act, passed at the present session of the General Assembly.

SEC. 7. All laws coming in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in force from the ratification of the Act entitled Revenue, by the present General Assembly.

Ratified the 27th day of February, A. D., 1867.

## CHAPTER LXXIV.

AN ACT TO REVISE AND CONSOLIDATE THE VARIOUS ACTS RELATING TO THE COLLECTION AND RETURN OF TAXES FOR THE SUPPORT OF THE INDIGENT INSANE.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That it shall be the duty of the Superintendent of the Insane Asylum, to deliver to the Public Treasurer, on or before the 10th day of January, of each year, a list showing the amounts due by each county in this State, for the support of the indigent patients in the Insane Asylum, for the year ending the preceding 1st day of January.

SEC. 2. It shall be the duty of the Public Treasurer, on or before the 20th day of January of the same year, to address to the Chairmen of the Courts of Pleas and Quarter Sessions of the respective counties, a notice containing a statement of the amount due by the county, as reported to him by the Superintendent, which notice shall be forward-

Superintendent to furnish list of amount due each year.

Pub. Treas. to give notice of amounts due.

ed in duplicate, by mail, to the Sheriff of the county: *Provided*, That for the year 1867, the said notice shall be transmitted by the Public Treasurer, within ten days after the ratification of this Act.

Duty of the Sheriff.

SEC. 3. As soon as may be after receiving the said notice, the Sheriff shall deliver one copy to the Chairman of the County Court, and shall return the other, endorsed with his certificate, that service has been made, to the Public Treasurer, which return shall be made on or before the 1st day of March, of the same year. If the Sheriff fails to make this return by the day aforesaid, the Public Treasurer shall, in the name of the State, at the first term of the Superior Court, which may happen thereafter, move for judgment *nisi* against the defaulting Sheriff or his sureties, for one hundred dollars: *Provided*, That for the year 1867, the Sheriff shall be allowed until the 20th day of March, to make the return aforesaid.

Penalty.

County Courts levy tax to raise the am't. due.

SEC. 4. It shall be the duty of the Court of Pleas and Quarter Sessions (a majority of the Justices being present) to levy taxes according to law, sufficient to raise the amount stated in the notice aforesaid, and the said Courts are authorized to make such levy at any general or special term. Said taxes shall be collected by the Sheriff, and accounted for as other State taxes, but a separate account thereof shall be kept by the Public Treasurer.

Justices failing to levy, penalty?

SEC. 5. If the Justices of any County Court shall, for six months after the notice aforesaid has been delivered to the Chairman of said Court, fail to levy taxes as prescribed in the preceding section, they shall be guilty of a misdemeanor, and shall be indicted therefor in the Superior Court. On the trial of said indictment, the notice returned as heretofore prescribed by the Sheriff to the Public Treasurer, shall be deemed and held *prima facie* evidence of the facts therein stated, and of the notification of the same to the Justices, and shall, without contradiction, be sufficient proof for the conviction of the accused.

Sheriff failing to pay over, proceedings?

SEC. 6. If the Sheriff of any county shall, at the time prescribed by law for the return of State taxes, fail to pay into the Public Treasury the aforesaid taxes for the indi-



gent insane, it shall be the duty of the Public Treasurer to transmit by mail, to the Attorney General, or to the Solicitor of the Circuit in which said county lies, the notice of the Chairman of the County Court heretofore mentioned, with the endorsement of service by the Sheriff, and the Attorney General, or Solicitor, as the case may be, shall, in the Superior Court of said county, institute an indictment against the Justices of the said county, unless, on investigation, he is satisfied that the said taxes were duly imposed as prescribed in this Act, and that the failure to collect arose from the *laches* of the Sheriff.

SEC. 7. If the Attorney-General or Solicitor shall, after receiving notice of the default of any County, find that the taxes aforesaid were duly laid by the Justices, he shall communicate the facts to the Public Treasurer, who shall thereupon, at the next term of Wake Superior Court, thereafter, through the Attorney-General, in the name of the State, move for judgment *nisi* against the Sheriff and his sureties for the amount of taxes due and a penalty in addition of three hundred dollars. Further proceedings.

SEC. 8. The Public Treasurer shall cause copies of this Act to be printed and sent to all officers whose duty it is to carry into effect any portion of the same.

SEC. 9. Section thirty-six, of chapter six, of the Revised Code, and all laws inconsistent with this Act, are hereby repealed.

SEC. 10. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 4th day of February, A. D., 1867.

## CHAPTER LXXV.

AN ACT TO EMPOWER THE SECRETARY OF STATE AND PUBLIC TREASURER TO ADMINISTER OATHS IN MATTERS PERTAINING TO THE REVENUE.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That whenever, by law, settlements of matters connected with the Public Revenue are required to be made with the Secretary of State or the Public Treasurer, said officers shall be authorized to administer oaths to verify the same.

SEC. 2. *Be it further enacted,* That this Act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D., 1867.

## CHAPTER LXXVI.

AN ACT TO PROVIDE FOR THE COLLECTION AND PAYMENT INTO THE TREASURY OF MONEYS DUE BY PAYING PATIENTS IN THE INSANE ASYLUM.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the Treasurer of the Insane Asylum of North Carolina, to collect moneys due by paying patients for board in the said Insane Asylum, and to pay the same into the Public Treasury, on the first day of each month.

SEC. 2. *Be it further enacted,* That the bond required of the Treasurer of said Asylum, by Act of 1858-'59, chapter 2, section 5, shall be executed in duplicate, one of which



shall be deposited with the Public Treasurer, and said bond shall be approved by the Governor.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Board of Supervisors, to make rules and regulations for carrying into effect the provisions of laws heretofore passed in relation to paying patients admitted into the Asylum, and to secure the collection and return of the moneys owing the State for board of said patients.

Board of Supervisors to secure hereafter collection and return of moneys.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Superintendent of the Insane Asylum, to furnish to the Public Treasurer, on or before the 10th day of January of each year, a detailed statement of the number and names of all patients in the Asylum, not admitted into the same under authority of law as indigent insane patients, together with the amounts due from each, and length of time for which the same is due.

Certain duties of Superintendent.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D., 1867.

## LXXVII.

### AN ACT TO AMEND THE ACT FOR COLLECTING REVENUE, RATIFIED MARCH 12TH, 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Act for collecting Revenue, ratified March 12th, 1866, shall be amended by adding thereto the following section: "If any person, whose duty it may be to disclose to the Sheriff or Tax Collector of any county, the amount of taxable subjects for which he is liable to pay taxes, or to give bonds for the listing or payment of taxes, shall, when required, refuse to make such disclosure fully on oath, or execute such bond, he shall be guilty of a misdemeanor, and it shall be the duty of the

Misdemeanor to refuse to disclose am't of taxable subjects.

Sheriff or Tax Collector to commit him to prison, unless he shall enter into recognizance, with good security, in such sums as shall be required, to appear before the Superior Court of law of his county at its next term to answer the charge."

Penalty for  
refusal to ex-  
hibit license,  
when required

SEC. 2. *Be it further enacted*, That section eighty-two, of the Act for collecting Revenue, shall be amended to read as follows: "Every person, whose duty it shall be to obtain license from a Sheriff, as prescribed in schedule B, of the Revenue Act, shall show his license to any Justice of the Peace or Constable, who may demand a view thereof, and it shall be the duty of every Constable to demand such a view, and if any such person shall fail to exhibit his license on demand, thus made, he shall forfeit and pay one hundred dollars, recoverable on a warrant before a Justice of the Peace, one half to the person suing out the warrant, and one-half to the use of the State, to be paid over to the Sheriff, and accounted for as taxes."

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D., 1867.

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## REVISED CODE.

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### CHAPTER LXXVIII.

AN ACT TO REPEAL A PART OF THE FOURTEENTH SECTION OF THE TWENTY-SIXTH CHAPTER OF THE REVISED CODE.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That so much of the fourteenth section of the twenty-sixth chapter of the Revised Code, as requires



the sum of one dollar per share of the capital stock, and to amount to at least one hundred dollars, to be paid to the Clerk of the County Court, be and the same is hereby repealed, and it shall not be necessary to pay to or deposit with the Clerk any money on making application for charter, except the fees allowed in said Act; and this Act shall take effect from its ratification.

Repeals so much as requires \$1 per share on making application for charters.

Ratified March 2nd, A. D., 1867.

## CHAPTER LXXIX.

AN ACT TO AMEND SECTION 3, CHAPTER 7, REVISED CODE,  
ENTITLED "ATTACHMENTS."

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That in all cases where suits are brought in conformity to the provisions of said chapter, when the plaintiff in the attachment is a non-resident of the State, or beyond the process of the Court from which the attachment issues, that then, and in that case, the defendant therein may institute suit against one or all the sureties to the bond required by said section, for the recovery of damages for the wrongful suing out of such attachments, without primarily instituting suit against the plaintiff in such attachment.

Where plaintiff is a non-resident, defendant may institute suit against surety

SEC. 2. *Be it further enacted,* That this Act shall take effect from and after its ratification.

Ratified the 2nd day of March, A. D., 1867.

## RIVERS.

## CHAPTER LXXX.

AN ACT TO AMEND THE SIXTH SECTION OF THE FORTY-  
EIGHTH CHAPTER OF THE REVISED CODE.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That section six, of chapter forty-eight, of the Revised Code of North Carolina, entitled "Fences," be, and the same is hereby so amended, as to declare the Cape Fear river, bordering on the county of Brunswick, a water course sufficient, instead of a fence, and that so much of said section as requires persons cultivating lands on the north-east side of said river, to enclose the same with a sufficient and lawful fence, under a forfeiture therein set forth, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted,* That this act shall be in force and take effect from and after its ratification.

Ratified the 26th day of January, A. D., 1867.

## CHAPTER LXXXI.

AN ACT TO PREVENT THE CUTTING AND FELLING TIMBER IN  
PIGEON RIVER, IN HAYWOOD COUNTY, ABOVE KILLION'S BRIDGE.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That hereafter it shall not be lawful for any person, in any manner whatever, to obstruct Pigeon River, in the county of Haywood, by cutting and



falling timber in the same, within seven miles from Killion's Bridge, up said River.

SEC. 2. *Be it further enacted*, That if any person or persons shall violate the 1st section of this Act, they shall be deemed guilty of a misdemeanor, and, on conviction therefor, shall be fined at the discretion of the Court. Violation of the above a misdemeanor.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 18th day of February, A. D., 1867.

## CHAPTER LXXXII.

AN ACT TO DECLARE THE ROANOKE RIVER A SUFFICIENT FENCE OR PROTECTION FOR THE SIDE OF ALL LANDS LYING IMMEDIATELY ON ITS BANKS IN MARTIN COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Roanoke river shall be considered a legal fence for that side of cultivable lands being in Martin county immediately on its banks.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its ratification.

Ratified the 1st day of March, A. D., 1867.

## CHAPTER LXXXIII.

AN ACT TO DECLARE TAR RIVER, THROUGH THE COUNTY OF EDGECOMBE, A WATER COURSE SUFFICIENT FOR A FENCE.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Tar river, from the dam at the

Falls, through the whole extent of Edgecombe county, to the Pitt county line, be, and the same is hereby, declared a water course sufficient, instead of a fence.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D., 1867.

## RAIL ROADS.

### CHAPTER LXXXIV.

AN ACT TO CONVERT THE DEBT DUE THE STATE, FROM THE ATLANTIC AND NORTH CAROLINA RAIL COMPANY, INTO CAPITAL STOCK.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Governor be, and he is hereby required to subscribe, in the name of the State, two hundred thousand dollars to the capital stock of the Atlantic and North Carolina Rail Road Company: *Provided*, Said subscription can be paid by discharging the debt due from said Company and secured by mortgage to the State.

SEC. 2. *Be it further enacted*, That in case said subscription is made as aforesaid, the Governor be authorized and required to re-convey to the said Company the property mortgaged as aforesaid.

SEC. 3. *Be it further enacted*, That to carry into effect the provisions of this Act, the capital stock of said Company may be increased to one million eight hundred thousand dollars.

Ratified the 2d day of March, A. D., 1867.



## CHAPTER LXXXV.

AN ACT TO AMEND THE CHARTER OF PLASTER BANK AND SALT  
WORKS RAIL ROAD COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That an Act of the General Assembly of North Carolina, passed at its session of 1864, (chapter thirteen,) and ratified on the 30th day of May, 1864, entitled "An Act to incorporate the Plaster Bank and Salt Works Rail Road Company," be amended as follows: In the last line of section first, strike out the words "Confederate States," and insert "United States."

Amends the  
Act of 1864.

SEC. 2. *Be it further enacted,* That this Act shall be in force from and after its ratification.

Ratified February 18th, A. D., 1867.

## CHAPTER LXXXVI.

AN ACT TO AMEND THE CHARTER OF THE WILMINGTON AND  
WELDON RAIL ROAD COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be lawful for the President and Directors of the Wilmington and Weldon Rail Road Company, to appoint a Vice President, in such manner as shall be prescribed by their by-laws, and to perform such duties as shall be required of him by the President and Directors; he shall own at least twenty shares of the capital stock of said company, and, by virtue of his office, be

Power to ap-  
point a Vice  
President.

come a Director of the company, and shall hold his office for the same period for which the President and Directors are elected ; and, in case of the death, resignation or removal of the President, the Vice President shall succeed to and perform the duties of President, until the next annual meeting of the stockholders.

SEC. 2. *Be it further enacted*, That this act shall be in full force and effect from and after its ratification.

Ratified the 21st day of February, A. D., 1867.

## CHAPTER LXXXVII.

AN ACT TO AMEND AN ACT PASSED IN EIGHTEEN HUNDRED AND THIRTY-THREE, TO INCORPORATE THE WILMINGTON AND RALEIGH RAIL ROAD COMPANY, (NOW KNOWN AS THE WILMINGTON AND WELDON RAIL ROAD COMPANY.)

Open books of  
subscription  
to provide for  
branch roads.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful for the said Wilmington and Weldon Rail Road Company, at any time when a majority of the Stockholders shall authorize the same, to open books for subscription, to any amount they may deem necessary, not exceeding twenty-five thousand dollars (\$25,000) per mile, to construct any branch to their main Road as provided for in the several Acts of their incorporation, to which this Act is an amendment, and to constitute the stock so subscribed separate and independent of the stock of the main Road, to be held and applied exclusively to the construction of the branch Road, for which it was subscribed, according to such covenants and agreements as may be entered into by the subscribers aforesaid with the said Rail Road Company.

SEC. 2. *Be it further enacted*, That all needful rules, by-laws and covenants that may be made, or entered into, by



and between the subscribers to the stock aforesaid and the said Rail Road Company, for the construction and management of any branch Road aforesaid, shall have the force and effect of law in all respects as though embraced in this Act. All needful rules, covenants, &c., validated.

SEC. 3. *Be it further enacted*, That this Act shall be in force from and after its ratification, if accepted by the said Company as required by the charter.

Ratified the 21st day of February, A. D., 1867.

## CHAPTER LXXXVIII.

### AN ACT TO INCORPORATE THE ROCKINGHAM AND HENRY RAIL ROAD COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That George L. Aiken, George W. Martin, James T. Morehead, Jr., John W. Broadnax, Jones W. Burton, James C. Martin, Thomas Reynolds, J. P. Dillard, William Martin, Jeremiah Griggs, George W. Booker, William M. Ellinton, Thomas A. Ratliff, James D. Ellinton, Hugh K. Reid, James Irvin, Robert P. Richardson, and William Lindsey, their associates, successors and assigns, be, and they are hereby, made a body politic and corporate, under the name of the "Rockingham and Henry Rail Road Company," and by that name shall be, and are hereby, made capable in law, to sue and be sued to final judgment and execution, plead and be impleaded, defend and be defended, in any Court of record of this State, or in any other place whatsoever; to make, have and use a common seal, and the same to break, renew or alter at pleasure; and in said name shall have succession, and shall be, and are hereby, vested with all the powers, privileges and immunities which are, or may be, necessary to carry into effect the purposes and objects of this Act, as hereinafter set forth; and

Corporator.

Corporate privileges.

Route of  
Road.

the said corporation are hereby authorized and empowered to create, construct, and finally complete, a Rail Road, beginning at or near Reidsville, in the county of Rockingham, thence north, in the direction of the Virginia line, crossing the river Dan, at or near Leaksville, in said county; thence to the Virginia line, in such manner and form as said corporation shall deem most expedient; and for that purpose, the said corporation are authorized to lay out said road, at least seventy-five feet wide, through the whole length thereof; and for the purpose of cutting, embankments, and obtaining stone and gravel, may take as much more land as may be necessary for the proper construction and security of said road: *Provided, however,* That all damages that may be occasioned to any person or persons, by taking of such lands or materials for the purposes aforesaid, shall be paid for by said corporation, at a fair and equitable valuation.

Capital stock.

Directors.

President.

Clerk and  
Treasurer.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be four hundred thousand dollars, to be divided in shares of one hundred dollars each. The immediate government and direction of the affairs of said corporation, shall be vested in seven directors, who shall be elected by the stockholders of said corporation, in a manner hereinafter provided, who shall hold their offices for the term of one year, and until others are elected and qualified to take their places as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be President of the board, who shall also be President of the corporation; and said directors shall have authority to elect a Clerk, who shall be sworn to the faithful discharge of his duty; and a Treasurer, who shall give bond to the corporation with security to the satisfaction of the directors, in a sum not less than thirty thousand dollars, for the faithful discharge of his trust, and shall also take and subscribe an oath of office.

SEC. 3. *Be it further enacted,* That the President and directors, for the time being, are hereby authorized, by themselves or their agents, to exercise all the powers herein



granted to the corporation, for the purpose of constructing said road, and for the arrangement of the affairs of the corporation, not heretofore granted, and to purchase and to hold lands, materials and other things necessary for the corporation for the use of said road, and to make such equal assessments, from time to time, on all the shares in said corporation, as may be necessary in the prosecution of the work, and direct the same to be paid to the Treasurer of the corporation; and in case any stockholder shall neglect to pay his assessment, for the space of thirty days after due notice by the Treasurer, the directors may order the Treasurer to sell such share or shares at auction, after giving ten day's notice of such sale, and the person being the

President and Directors exercise all the powers granted to corporation.

Failure of subscribers to pay assessments.

highest bidder is hereby declared to be the proper owner thereof, and such delinquent stockholder shall be accountable to the corporation for the balance, if his share or shares shall sell for less than the assessment due thereon, with interest and cost of sale, and shall be entitled to the overplus if the same shall sell for more than the assessment, interest and cost of such sale.

SEC. 4. *Be it further enacted*, That the said corporation shall have power to establish all such by-laws and regulations as they shall deem necessary, to accomplish the purposes of this Act: *Provided*, The same shall not be repugnant to the laws and Constitution of the State and of the United States.

Power to make by-laws.

SEC. 5. *Be it further enacted*, That said corporation shall have power to charge such toll upon passengers and freight, as they may deem proper and reasonable.

Tolls.

SEC. 6. *Be it further enacted*, That the stockholders of said company shall have power to hold their meetings at such times and places as they may think proper.

Meetings.

SEC. 7. *Be it further enacted*, That said directors shall have power to cause books to be opened, at such times and places, and under the superintendence of such persons, as may be deemed necessary for the purpose of raising the capital stock herein mentioned.

SEC. 8. *Be it further enacted*, That this Act shall be and continue in force for thirty years from and after its ratification.

Ratified the 2nd day of March, A. D., 1867.

## CHAPTER LXXXIX.

AN ACT TO AUTHORIZE THE SUBSCRIPTIONS OF LANDS, BONDS AND STOCKS TO THE CHERAW AND COALFIELDS RAIL ROAD.

Preamble.

WHEREAS, In the present extraordinary condition of the country, it is usually difficult to obtain subscription in money to build Railroads, however important and promising an investment; *and, whereas*, the people along the line of the Cheraw and Coalfields Rail Road have generally expressed a willingness and desire to subscribe lands, bonds, stocks and other securities to its capital stock to aid in its construction:

Allowed to  
receive lands  
in payment of  
stock.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Cheraw and Coalfields Rail Road Company are fully authorized and empowered to receive in payment of subscriptions to its capital stock from individuals, corporations, companies or counties, lands at such valuation as may be agreed upon at the time of subscribing, bonds, stocks or other securities, on such terms and at such rates as may be mutually agreed upon by the company or its authorized agents, on the one part, and such individuals, corporations, companies or counties as may subscribe to the capital stock of said Company, with the understanding that payment is to be made in this way.

SEC. 2. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 1st day of February, A. D., 1867.



## CHAPTER XC.

AN ACT TO CHARTER THE OXFORD BRANCH OF THE RALEIGH  
AND GASTON RAIL ROAD.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That for the purpose of establishing a communication by Rail Road from the Raleigh and Gaston Rail Road, across the county of Granville to the North Carolina Rail Road, the formation of a joint stock company, with a capital of five hundred thousand dollars, is hereby authorized, to be entitled the Oxford Branch of the Raleigh and Gaston Rail Road, and when formed, in compliance with the conditions hereinafter prescribed, to be a body politic for the term of ninety-nine years.

Capital.

SEC. 2. *Be it further enacted,* That the said Company be and the same is authorized to construct a Railway from some point at Henderson, or within twelve miles thereof, by or near the town of Oxford, to Durham's Station, or some point on the North Carolina Rail Road, within twelve miles thereof; and for the purpose of raising the requisite capital, books may be opened at Henderson, under the direction of Samuel Parham, A. B. Andrews, S. S. Royster, P. P. Young and John R. Hicks; at Oxford, under the direction of R. W. Lassiter, Edward Cantwell, E. H. Hicks, H. C. Herndon, P. E. Cooper, R. P. Taylor, Willis Lewis, J. S. Amis, T. B. Venable, John Blacknall, R. H. Kingsbury, P. M. Satterwhite and B. P. Thorpe; at Tally-Ho, under R. S. Heflin, Jeff. Horner, W. B. Crews, and John Bullock; at Hillsboro', under John Berry, John Lipscombe, Paul Cameron and Joseph Woods, or any one or more of them, or such others as they may select for the purpose; and the said Commissioners, or a majority of them herein named, at the places above named, shall have power to receive payment for subscriptions to stock of said Com-

Route.

Books of sub-  
scription—  
names of Com-  
missioners.

May subscribe  
land, money,  
bonds, &c.

pany, in land, money, or bonds, or stocks, either in their discretion; and in case land be offered and received in payment for stock in said Company, to provide the mode in which the value of the same shall be ascertained and the conveyances therefor executed, and they shall also have power to receive mortgages of real and personal estate, to secure the payment of the sums contributed to the capital stock of said Company.

Books opened  
when? How  
long?

SEC. 3. *Be it further enacted*, That the books, aforesaid, may be opened at any time after the ratification of this Act, due notice of the same being first given in one newspaper, published in the city of Raleigh, and three public places in the county of Granville, twenty days at least beforehand; and the said books shall be kept open sixty days, and as longer and as often as the Commissioners shall think fit, until the whole sum is subscribed.

Corporate  
powers.

SEC. 4. *Be it further enacted*, That whenever the sum of fifty thousand dollars in money shall be subscribed in manner and form as aforesaid, the subscribers, their executors, administrators and assigns, shall be, and are hereby, incorporated by the name and style of the Oxford Branch of the Raleigh and Gaston Rail Road, and by that name may sue and be sued, plead and be impleaded, at law, or in equity; may take, hold and convey real and personal estate in fee simple, or otherwise, as may be necessary; may have and use a common seal, and the same renew and alter; may make all such by-laws, rules and regulations for the government of the officers and servants of the Company, the fixtures, machinery and property of the Company, the rates of transportation and passage, and the regulations of trains, as shall be necessary and not inconsistent with the laws of the land, and shall have succession.

Election of  
President and  
Directors.

SEC. 5. *Be it further enacted*, That a general meeting of the Stockholders shall be convened as soon as the sum of fifty thousand dollars in money shall have been subscribed. Public notice of this meeting shall be given at least thirty days beforehand, in some Raleigh newspaper, and at each of the places named in the second section. At this meeting, a majority of the subscribers and stockholders being present



in person or by proxy they shall elect a President, Treasurer and nine Directors, being stockholders of the Company.

These officers shall, thereupon, be invested with all the powers of the Corporation, for one year, and until their successors are regularly and duly elected and enter upon the duties of their respective appointments.

SEC. 6. *Be it further enacted*, That the Directors shall fill any vacancies that may occur during their term of office; they may demand and collect the sums subscribed to the capital stock and the land agreed to be conveyed; on the failure of any subscriber to comply, the Road may, after thirty days notice of said call, published in some newspaper, at Raleigh, and at the court house door in Oxford, authorize their Treasurer to sell the stock subscribed for, at auction, in Raleigh or Oxford, as they may deem best, for cash, or otherwise, as they think fit, and in case the stock does not sell for enough to pay the subscription and all expenses, the remainder may be recovered by the name of the Company from such subscriber in any Court of competent jurisdiction.

Power of  
Directors.

Delinquent  
subscribers.

SEC. 7. *Be it further enacted*, That the stock subject to the above exception shall and may be transferred, as the Company shall direct; the Company shall have power to borrow money and to secure the loan thereof, or purchases authorized by the Road, may mortgage or convey its charter, real estate, property and works, but all such loans, mortgages and sales shall be expressly authorized by a vote of the Directors.

Other powers.

SEC. 8. *Be it further enacted*, That the Company may use any portion of said Road constructed before its final completion, and charge for transportation and passage thereon. They may construct said Railway across or along any public road: *Provided*, that if they obstruct any such public road, they provide another way for public use as good as that obstructed, and as near as practicable, and keep the same in repair.

May use any  
portion of road  
before comple-  
tion of whole.

SEC. 9. *Be it further enacted*, That when any land shall be required for the construction of the Road or for warehouses, water-stations, work-shops, or depositories, or other

Lands may be  
condemned.

buildings and offices, and, from any cause, the same cannot be purchased from the owner, the same may be taken by the Company at a valuation to be ascertained as follows, viz: The Sheriff of the county, in which such land may lie, shall, at the request of the President of the Company, summon twelve freeholders of the same county, who shall ascertain the value, under oath to be administered to them and the witnesses by the Sheriff, they first deducting the enhanced value of the land, caused by the Road, from such valuation, and adding any particular loss or damage; and upon the payment or tender, by the Company, of the amount so ascertained, the title of the property seized and so appraised shall immediately vest in the Company: *Provided*, That either party may appeal to the Superior Court, upon the question of the amount assessed, and, *Provided further*, The Company shall be entitled to condemn in this manner, for the purposes of constructing their road bed, not more than one hundred feet from the centre thereof.

Exclusive  
right.

SEC. 10. *Be it further enacted*, That the said Company shall have the exclusive right to the use of the Road authorized by this Charter, and the Board of Directors the exclusive privilege of establishing the rates of freight and transportation.

When the  
work may be  
done, &c.

SEC. 11. *Be it further enacted*, That whenever the sum of fifty thousand in money shall have been subscribed, and one-fifth thereof paid in, the Company shall have power to begin the construction of the Road at Henderson or within twelve miles thereof, and working up towards the town of Oxford, or its vicinity, and after that may work at such other places on the line of said Road as may be thought advisable by the Directors of the same.

SEC. 12. *Be it further enacted*, That this Act shall be in force from and after its ratification, and shall be deemed a Public Act.

Ratified the 28th day of February, A. D., 1867.



## CHAPTER XCI.

AN ACT TO INCORPORATE THE GREENSBORO' AND DAN RIVER  
RAIL ROAD COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That for the purpose of effecting a Rail Road communication between the North Carolina Rail Road Company and the Valley of Dan River, a Company shall be, and the same is hereby incorporated, with a capital of one million dollars, to be called the Greensboro' and Dan River Rail Road Company, which Company, when formed in compliance with the hereinafter prescribed conditions, shall have a corporate existence for ninety-nine years.

Capital Stock.

SEC. 2. *Be it further enacted,* That the said Company be, and is hereby authorized to construct a Rail Road, commencing at a point on the North Carolina Rail Road, at or near the town of Greensboro', in the county of Guilford, and thence by the most practicable route, *via* the town of Madison, in the county of Rockingham, to the Virginia line.

Route.

SEC. 3. *Be it further enacted,* That for the purpose of forming said capital stock of said Greensboro' and Dan River Rail Road Company, the following persons be, and are hereby, appointed Commissioners: D. F. Caldwell, N. H. D. Wilson, C. A. Boone, J. A. Gilmer, Jr., Anselm Reid, A. H. Lindsay, Charles Wilson, and Joseph Haskins, of the county of Guilford; R. B. Henderson, J. T. Reynolds, Albert Lomax, Thos. Price.

Commission-  
ers.

That it shall and may be lawful to open books in the town of Greensboro', under the direction of Jesse H. Lindsay, Wm. A. Caldwell, Charles Shober, Peter Adams, David McKnight, J. M. Garrett, R. M. Sloan, Jr., or any three of them. In the town of Madison, under the direction of Milton Stamps, J. M. Cox, Henry McGehee, Richard Cardwell,

Open books  
of subscrip-  
tion.

Jamss H. Cardwell and B. F. Foy, or any three of them. In the town of Wentworth, under the direction of W. M. Ellington, Wm. M. Edwards, A. M. Scales, David Settle, J. N. Wright and David S. Reid, or any three of them ; and at such other places as the Commissioners above named may think proper, and under the direction of such persons as they may designate for that purpose.

SEC. 4. *Be it further enacted*, That all who may be hereafter authorized to open books for subscription of stock, by the commissioners herein appointed for that purpose, shall open said books at any time after the ratification of this Act, twenty days previous notice being given in some one or more of the public newspapers of this State, and that the said books, when opened, shall be kept open for the space of thirty days, at least, and as long thereafter as the commissioners first above named shall direct ; and that all subscriptions of stock shall be in shares of one hundred dollars,—the subscriber paying, at the time of making such subscription, five dollars on each share thus subscribed, or by giving his promissory note for that sum, to the person authorized to receive such subscription, and, in case of failure to pay said sum or note, all such subscriptions shall be void and of no effect, and, upon closing the books, all such sums as shall have been thus received of subscribers on the first instalment, which first instalment may be made by executing a bond for the sum due, and made payable six months after date, to the Commissioners named in the third section of this Act. The bonds thus received in payment of the first instalment shall be paid over to the general Commissioners, named in the third section of this Act, by the persons receiving them ; and, for the failure thereof, such person or persons shall be liable to the said general Commissioners before the organization of said Company, and to the Company itself after its organization, to be recovered in the Superior Court of law in the county where such delinquent resides, or, if he reside out of the State, then, in any Court of such State having competent jurisdiction. The said general Commissioners shall have power to call on and require all persons empowered to receive subscrip-

Kept open,  
how long?

Denomina-  
tion of shares.

How paid.



tion at any time, and from time to time as a majority of them may think proper, to make return of the stock by them respectively received, and to make payment of all sums made by the subscribers; that all persons receiving subscriptions of stock shall pass a receipt to the subscriber for the payment of the first instalment, as heretofore required to be paid, and upon their settlement with the general Commissioners as aforesaid, it shall be the duty of the said general Commissioners, in like manner, to pass their receipt for all sums of money thus received, to the person from whom received, and such receipts shall be taken and held to be good and sufficient vouchers to the persons holding them.

SEC. 5. *Be it further enacted*, That it shall be the duty of the said general Commissioners, to direct and authorize the keeping open of books for the subscription of stock, in the manner above described, until the sum of three hundred thousand dollars shall have been subscribed to the capital stock of said Company, and, that as soon as the sum of three hundred thousand dollars shall have been subscribed, and the first instalment of of five dollars per share on said sum shall have been received by the general Commissioners as aforesaid, said Company shall be regarded as formed, and the said Commissioners, or a majority of them, shall sign and seal a duplicate to that effect, with the names of the subscribers appended, and cause one of the duplicates to be deposited in the office of the Secretary of State, and thenceforth, from the closing of the books for subscription as aforesaid, the said subscribers to the stock shall form a body politic and corporate, in deed and in law, for the purposes aforesaid, by the name and style of the Greensboro' and Dan River Rail Road Company.

SEC. 6. *Be it further enacted*, That whenever the sum of three hundred thousand dollars shall be subscribed, in manner and form aforesaid, the subscribers, their executors, their administrators, and assigns, shall be and they are hereby declared to be incorporated into a Company by the name and style of Greensboro' and Dan River Rail Road Company, and by that name shall be capable in law and equity of purchasing, holding, selling, leasing and convey-

Body politic  
when \$300,  
000 is subscri-  
bed and first  
instalment  
paid in.

Name.

Corporate  
powers.

ing estates, real, personal and mixed, acquiring the same by gift or devise, so far as shall be necessary for the purposes embraced within the scope, object and intent of their charter, and no farther, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded in any Court of Law or Equity in the State of North Carolina, and may use a common seal, which they may alter and renew at pleasure, and shall have and enjoy all other rights and immunities which other corporate bodies may, and of right do, exercise, and may make all such by-laws, rules and regulations as are necessary for the government of the corporation, or of effecting the object for which it is created, not inconsistent with the Constitution and laws of the United States and of this State.

Notice of pro-  
cess on Presi-  
dent valid.

SEC. 7. *Be it further enacted*, That notice of process upon the President shall be deemed and taken to be due and lawful notice of service of process upon the Company, so as to bring it before any Court within the State of North Carolina.

Meeting of  
Stockholders.

Sec. 8. *Be it further enacted*, That as soon as the sum of three hundred thousand dollars shall have been subscribed in manner and form aforesaid, it shall be the duty of the general Commissioners, appointed under the third section of this Act, to appoint a time for the Stockholders to meet in the town of Greensboro', in Guilford county, which they shall cause to be previously published, for the space of thirty days, in one or more newspapers, as they may deem proper; at which time and place, the said Stockholders, in

Election of  
Directors.

person or by proxy, shall proceed to elect the Directors of the Company, and to enact all such regulations and by-laws as may be necessary for the government of the corporation and the transaction of its business. The persons elected Directors at this meeting shall serve such period not exceeding one year as the Stockholders may direct and fix at this meeting. The Stockholders shall fix on the day and place where the subsequent election of Directors shall be held, and such elections shall henceforth be annually made; but if the day of the annual election should pass without any



election of Directors, the corporation shall not thereby be dissolved; but it shall be lawful on any other day to hold and make such election, in such manner as may be prescribed by by-law of the corporation.

SEC. 9. *Be it further enacted*, That the affairs of the Company shall be managed and directed by a general board to consist of twelve Directors, to be elected by the Stockholders from among their number, at the first and subsequent general annual meetings, as prescribed in the eighth section of this Act, and that no one shall serve as Director who is not a Stockholder.

Qualification  
of Director.

SEC. 10. *Be it further enacted*, That the election of Directors shall be by ballot, each Stockholder having as many votes as he has shares in the stock of said Company, and the person having a majority of all the votes polled shall be considered duly elected.

Election by  
ballot.

SEC. 11. *Be it further enacted*, That the President of the Company shall be elected by the Directors, from among their own number, in such manner as the regulations of the Company shall prescribe.

Election  
President.

SEC. 12. *Be it further enacted*, That at the first general meeting of the Stockholders, to be called under section eighth of this Act, a majority of all the shares subscribed shall be represented before proceeding to business, and, if a sufficient number do not appear on the day appointed, those who do attend shall have power to adjourn from time to time, until a regular meeting shall be thus formed; and, at such meeting, the Stockholders may provide, by by-law, as to the number of Stockholders, and the amount of stock to be held by them, which will constitute a quorum for transacting business at all subsequent regular or called meetings of the Stockholders and Directors.

Proceedings  
in general  
meeting.

SEC. 13. *Be it further enacted*, That in all elections, and upon all votes taken, in any general meeting of the Stockholders, upon any by-law, or any of the affairs of the Company, each share of stock shall be entitled to one vote, and that any Stockholder in said Company may vote by proxy, and proxies may be verified in such manner as the Stockholders, by by-laws, may prescribe.

Each share  
one vote.

The general  
Commission-  
ers.

SEC. 14. *Be it further enacted*, That the general Commissioners shall make their return of the shares of stock subscribed for, at the first general meeting of the Stockholders, and pay over to the Directors elected at said meeting, or their authorized agent, all sums of money received from subscribers, and, for failure therefor, shall be liable to said Company, to be recovered at the suit of said Company, in any Superior Court of law in this State, within the county where such delinquent or delinquents may reside, and in like manner from said delinquent or delinquents, executor or administrator, in case of his or their death.

Directors  
fill vacancies

SEC. 15. *Be it further enacted*, That the board of Directors may fill all vacancies which may occur in that body during the periods for which they have been elected, and, in the absence of the President, may fill his place, by electing a President *pro tem.*, from among their number.

Contracts,  
&c., by the  
President.

SEC. 16. *Be it further enacted*, That all contracts or agreements authenticated by the President and Secretary of the Board of Directors, shall be binding on the Company without a seal, or such a mode of authentication may be used as the Company, by their by-laws, may adopt.

Company  
power to mort-  
gage the bed  
of the road, for  
the purpose of  
laying track,  
&c.

SEC. 17. *Be it further enacted*, That the Company shall have power, and is hereby, authorized and empowered to mortgage the bed of the said road, when graded, to any person or persons, corporations or company, who will bind themselves to the said Company, in a proper manner and a sufficient sum, to lay the said track of the road, with a good and sufficient superstructure, to secure engines, cars, and such other rolling stock as the Company may think expedient to use upon said road. The President and Directors are also further authorized and empowered, when instructed by a vote of the Stockholders, in general meeting assembled, so to do, to re-open, or cause to be re-opened, the books of the Company, at such times and places as they may choose to direct, under the regulations prescribed in a previous section, for the purpose of increasing the capital stock of the Company, to complete the road as chartered, and to improve Dan river, so as to render the same navigable for steamboat or other craft, from the point where the

Books may  
be re-opened.



said road crosses the said river as far up the said river as the Company may think proper to extend their operations: *Provided*, That the capital stock of the said Greensboro and Dan River Rail Road shall, in no event, exceed one million dollars.

Proviso.

SEC. 18. *Be it further enacted*, That the said Company shall have the exclusive right of conveying or transporting persons, goods, merchandise and produce over the said Rail Road to be by them constructed, and on the said river to be by them improved, at such charges as may be fixed on by a majority of the Directors.

Exclusive rights.

SEC. 19. *Be it further enacted*, That the said Company may, when they see proper, farm out the right of transportation over said Rail Road and river, subject to the rules above mentioned, and the said Company and every person who may have secured from them the right of transportation of goods, wares and produce, on said Rail Road and river, shall be deemed a common carrier as respects all goods, wares and merchandise entrusted to them for transportation.

Company may farm out the right of transportation.

SEC. 20. *Be it further enacted*, That the Board of Directors may call for the payment of the sums subscribed as stock in said Company in such instalments as the interest of said Company may, in their opinion, require. The call for each payment shall be published in one or more newspapers in this State, for the space of thirty days before the day of payment, and, on failure of any stockholder to pay each instalment, as thus required, the Directors may sell at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said Company, by such stockholder, and convey the same to the purchaser at said sale; and if said sale do not produce a sufficient sum to pay off the incidental expenses of the same, and the entire amount owing by such stockholders to the Company for such subscription of stock, then, and in that case, the whole of such balance shall be taken and held as due at once to the Company, and may be recovered of such stockholder or his executors, administrators or assigns, at the suit of said Company, by action of assumpsit, in any Court of compe-

Board may call for payments as the interests of the Company may require, &c.

tent jurisdiction, or by warrant before a Justice of the Peace, when the sum does not exceed one hundred dollars; and in all cases of assignment of stock, before the whole amount has been paid to the Company, then for all sums due on the stock, both the original subscribers, and the first and all subsequent assignees, shall be liable to the Company, and the same to be recovered as above directed.

Certificates  
of stock.

SEC. 21. *Be it further enacted*, That the said Company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the Company.

Annual re-  
ports.

SEC. 22. *Be it further enacted*, That the Board of Directors shall once in every year make a full report on the state of the Company and its affairs, to the general meeting of the Stockholders, and oftener if required, and shall have power to call a general meeting of the Stockholders when the board may deem it expedient, and the Company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof.

Corporate  
privileges.

SEC. 23. *Be it further enacted*, That the said Company may purchase, have and hold, in fee, or for a term of years, any lands, tenements or hereditaments which may be necessary for said road, or for the appurtenances therefor, or for the erection of depositories, store-houses, houses for the officers, servants or agents for the Company, or for workshops or foundries to be used for said Company, or for procuring stone or other materials necessary for the construction of said road, or the improvement of said river, or for effecting transportation thereon, and for no other purposes whatever.

Right of way

SEC. 24. *Be it further enacted*, That the Company shall have the right, when necessary, to construct the said road across or along any public road or water-course: *Provided*, That the said Company shall not obstruct any public road without constructing another equally as good and convenient, nor without making a draw in the bridge across said Dan river sufficient for the passage of vessels navigating said stream.



SEC. 25. *Be it further enacted*, That when the right of way be required by said Company for the purpose of constructing their road, or improving said river, and for the want of agreement, as to the value thereof, or for any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by any Court of Record, having common law jurisdiction in the county where some part of the land, or right of way, is situated. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners, in consequence of the land or right of way being surrendered, and the benefits he, she or they may receive from the erection or establishment of the Rail Road or work, or the improvement of said river, and shall state particularly the value and amount of each, and the excess of the loss or damage, over and above the advantage and benefit, shall form the measure of valuation of the said land or right of way: *Provided, nevertheless*, That if any person or persons, over whose land the road may pass, shall be dissatisfied with the valuation of said commissioners, then, in that case, the person or persons so dissatisfied, or the President and Directors of the Road, may have an appeal to the Superior Court in the county where the said valuation has been made, or in either in which the land lies, when it may lie in more than one county, under the same rules, regulations and restrictions, as in appeals from judgments of Justices of the Peace. The proceedings of said commissioners, accompanied with a full description of said land or right of way, shall be returned under the hands and seals of a majority of said commissioners to the court from which the commission issued, there to remain a matter of record, and the land, or right of way, so valued by said commissioners, shall vest in said Company so long as the same shall be used for the purposes of said road, as soon as the valuation may be paid, or when refused, may have been tendered: *Provided*, That on application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction

Right of con-  
demnation.

of the Court, that at least ten days previous notice has been given by the applicant to the owner or owners of land so proposed to be condemned, or if the owner or owners be infants or *non compos mentis*, then to the guardian of such owner or owners, if such guardian can be found within the county; if he cannot be found, then such appointment shall not be made unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as convenient, as may be, to the Court House of the county, and shall have been posted at the door of the Court House on the first day, at least, of the term of said Court, to which the application is made: *Provided, further*, That the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath any Justice of the Peace, or Clerk of the Court of the county in which the land, or a part of it lies, is hereby authorized to administer: *Provided, further*, That the right of condemnation, herein granted, shall not authorize the said Company to invade the dwelling house, yard or burial ground of any individual, without his consent.

Extent of  
condemnation

SEC. 26. *Be it further enacted*, That the right of said Company to condemn lands in the manner described in the 25th section of this Act shall extend to the condemning one hundred feet on each side of the main track of the road, measuring from the centre of the same, unless in deep cuts and fillings, when said Company shall have power to condemn as much in addition thereto as may be necessary.

Further with  
regard to con-  
demnation.

SEC. 27. *Be it further enacted*, That in the absence of any contract or contracts with said Company in relation to land through which said Road may pass, signed by the owner thereof, or his agent, or any claimant or persons in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said Road may be constructed, together with a space of one hundred feet on each side of the centre of said Road, has been granted to said Company by the owners thereof, and the said Company shall have good right and title thereto, and shall hold and enjoy the same as long as the



same shall be used for the purposes of said Road, and no longer, unless the person or persons owning the said land, at the time that part of said Road was finished, or those claiming under him, her or them, shall apply for an assessment of the value of said land, as hereinbefore directed, within two years next after that part of said Road was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply within two years after the said part was finished, he, she, or they shall be forever barred from recovering said lands or having any assessment or compensation therefor: *Provided*, That nothing herein contained shall affect the right of *feme coverts*, or infants, until two years after the removal of their respective disabilities.

SEC. 28. *Be it further enacted*, That all lands not heretofore granted to any person, nor appropriated by law to the use of the State, within one hundred feet of the centre of said Road, which may be constructed by said Company, shall vest in said Company as soon as the line of the Road is laid out through said land and any grant of land thereafter shall be made.

Unclaimed  
land within  
100 feet of cen-  
tre of road to  
be vested in  
Company.

SEC. 29. *Be it further enacted*, That if any person shall intrude upon said Road or river by any manner of use thereof or of the rights and privileges connected therewith, without permission or contrary to the will of said Company, he, she, or they may be indicted for a misdemeanor, and, upon conviction thereof, fined and imprisoned by any Court of competent jurisdiction in the State.

Penalty of  
intrusion up-  
on the road.

SEC. 30. *Be it further enacted*, That every obstruction to the safe and free passage of vehicles on the said Road, or boats on the said river, shall be deemed a public misdemeanor, and may be abated as such by any officer, agent, or servant of said Company, and persons causes such obstruction may be indicted and punished for erecting a public nuisance.

Penalty of  
obstruction.

SEC. 31. *Be it further enacted*, That the said Company shall have the right to take, at the store-houses they may establish, or annex to their said Rail Road or river improvements, all goods, wares, merchandise and produce intended for transportation, prescribe the rules of priority and charges,

Store-houses.

and receive such reasonable compensation for storage, as they may, by rules, establish, (which they shall cause to be published,) or as may be fixed by agreement with the owner, which may be distinct from the rules of transportation: *Provided*, That the said Company shall not have charge or receive storage on goods, wares and merchandise or produce, which may be delivered to them at their regular depositories for immediate transportation, and which the Company may have power to transport immediately.

**Dividende.** SEC. 32. *Be it further enacted*, That the profits of the Company, or so much thereof as the general Board may deem advisable, shall, when the affairs of the Company will permit, be semi-annually divided among the stockholders in proportion to the stock they may own.

**Officers and employees exempted from jury duty, &c.** SEC. 33. *Be it further enacted*, That the following officers and servants and persons in the actual employment of said Company, be, and they are hereby exempt from the performance of jury and ordinary military duty, viz: The President and Treasurer of the Board of Directors, and the Chief and Assistant Engineer, the Secretaries and Accountants of the Company, keepers of the depositories, guards stationed on the Road to protect it from any injury, and such persons as may be working locomotives, engines, and travelling with the cars for the purpose of attending to the transportation of produce, goods and passengers, and such persons as may be employed on the boats, dams and locks on said river.

**Charter forfeited after 7 years, if road not built.** SEC. 34. *Be it further enacted*, That all the works hereby required of the Greensboro' and Dan River Rail Road Company shall be executed with due diligence, and if said Road be not completed within seven years after the ratification of this Act, this charter shall be forfeited.

SEC. 35. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D., 1867.



## CHAPTER XCII.

AN ACT TO AUTHORIZE CERTAIN COUNTIES TO SUBSCRIBE TO THE CAPITAL STOCK OF THE CHERAW AND COALFIELDS RAIL ROAD COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That al or any of the counties along the line of the Cheraw and Coalhelds Rail Road, or in the vicinity of its route, shall be authorized and empowered to subscribe for any number of shares in the capital stock of said Company, not exceeding two thousand each, under the following provisions: A majority of the Justices of each county, at any term of the County Court, shall determine the number of shares for which they propose the county shall subscribe, and appoint a day for holding an election in relation thereto, and cause the same to be entered on the minutes of the Court, and it shall be the duty of the Sheriff of the county, in at least four public places, to advertise the object and the day of the election, for at least sixty days prior thereto, and, on said day, to open and keep open the polls, agreeable to the Acts regulating the election for members of the General Assembly; and all qualified voters for members of the House of Commons in said county, favoring the subscription, may vote "yea," and all opposing may vote "no," and the result of such election shall be faithfully made known to the Justices holding the first County Court thereafter, and be made a matter of record. The result being favorable to the subscription, the same shall be ample and full authority for the Chairman of the Court, and it shall be his duty to make the subscription as proposed in the name of the county.

Counties may  
subscribe.

Manner of  
subscribing.

SEC. 2. *Be it further enacted,* That to enable the Justices of said county to meet the instalments that may be required upon such subscription, or otherwise pay the same,

Bonds may  
be issued to  
meet instal-  
ments.

they are hereby invested with authority to issue the bonds of the county, redeemable in a period not exceeding twenty years from the date thereof, to bear interest payable annually at a rate not exceeding seven per cent. per annum; and it shall be the duty of the Justices of the county regularly to provide the means of meeting the interest on the county bonds as the same shall become due, by laying such taxes annually on the persons, lands, and other property within the county, as shall and may be sufficient for that purpose; and the said Justices shall likewise annually appoint a county agent to negotiate any loans that may be necessary, to sell and dispose of the bonds, to receive the taxes imposed to meet the interest and regularly and faithfully apply the same to its payment, to represent the county in all the meetings of the Stockholders of the Rail Road Company, and to receive the dividends that may become due upon the county stock, and apply the same either to the interest or to a sinking fund for the extinguishment of the principal, as the Justices of the County Court may direct; and it shall likewise be the duty of the Justices of the county, in due season, to make ample provision by taxation or otherwise for liquidating the principal of said bonds as they shall come to maturity.

Ratified the 14th day of February, A. D., 1867.

## CHAPTER XCIII.

### AN ACT TO AMEND THE CHARTER OF THE WESTERN RAIL ROAD COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be lawful for either or all of the counties of Randolph, Alamance and Chatham, to subscribe to the capital stock of the Western Rail Road

Randolph,  
Alamance and  
Chatham may  
subscribe to  
capital stock.



Company, any sum or sums that may be determined on by the Court of Pleas and Quarter Sessions of the county for which said subscription may be made, a majority of the Justices of the Peace of such county being present, and approved by a majority of the lawful qualified voters of said county, to be ascertained in the manner hereinafter provided.

SEC. 2. *Be it further enacted*, That when the County Court of either of said counties shall, at any time, determine to subscribe any amount of stock to said Company, said Court shall so declare on the record, and make an order to submit the question to a vote of the people of their county, and said election shall be held at all the election precincts of said county, and at such time as said Court shall order, and the Court shall appoint judges, and make all needful rules and orders for holding said election, and the Sheriff of said county shall hold the election under the same rules and regulations that govern elections for members of the General Assembly, and all the qualified voters of said county for members of the General Assembly shall be entitled to vote, and those voting for said subscription, shall deposit a ballot endorsed, "subscription," and those opposed to it, shall vote "no subscription;" and, on comparing the polls, the Sheriff shall ascertain the number of votes cast for and against said subscription, and shall certify the same to said County Court, and if a majority of said votes shall have been polled in favor of subscription, the Chairman of said Court shall make the subscription on the books of said Company accordingly.

SEC. 3. *Be it further enacted*, That said Court may issue the bonds of said county as they may determine, bearing interest at any rate, not to exceed eight per cent., on which to raise money to pay such subscription, and may levy the necessary tax to meet the interest of said bonds, and to liquidate the principal as it falls due, as they shall judge expedient.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 31st day of January, A. D., 1867.

## CHAPTER XCIV.

AN ACT TO AMEND THE CHARTER OF THE WESTERN NORTH  
CAROLINA RAIL ROAD.

**Gauge.** SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the President and Directors of the Western North Carolina Rail Road shall have power to construct the Road from the mouth of Swannanoah to the Paint Rock the Tennessee gauge, and when the Western North Carolina Rail Road is completed to the French Broad River, the President and Directors of said Road shall have the right to change said gauge to that of the North Carolina Rail Road.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D., 1867.

## CHAPTER XCV.

AN ACT TO ENABLE THE "WESTERN RAIL ROAD" COMPANY TO  
EXTEND ITS ROAD ACROSS THE NORTH CAROLINA RAIL ROAD  
TO THE VIRGINIA LINE, NEAR MT. AIRY, IN THE COUNTY OF  
SURRY.

**Power to ex-  
tend.** SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the President and Directors of the Western Rail Road Company shall have full power and authority to extend the main track of this said "Western Rail Road" across the North Carolina Rail Road, by the most



practicable route, to pass by or near Salem, in the county of Forsyth, thence by the most practicable route, by or near Mt. Airy, to the Virginia line.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation may be increased to the sum of three millions of dollars, and that, for securing the same, books of subscription may be opened, at such times and places, and under the direction of such persons, as the President and Directors may appoint, first giving ten days notice of the time and place; and the said corporation may employ suitable persons to canvass the different sections of the State, to procure such subscriptions, and keep open the books until a sufficient amount is subscribed.

Capital stock  
may be increased.

SEC. 3. *Be it further enacted*, That the Public Treasurer be, and he is hereby, authorised and required to subscribe, on behalf of the State, to the capital stock of the Western Rail Road, the sum of one million of dollars. Said subscription to be paid with the second mortgage bonds of the Wilmington, Charlotte & Rutherford Rail Road Company, now held by the State, and secured by a mortgage upon all estate, both real and personal, belonging to said Company, subject to the same equities the State now has: *Provided*, That said bonds shall be received by said Company at their par value.

State subscription.

SEC. 4. *Be it further enacted*, That the proceeds of the bonds hereby authorized to be subscribed, shall be equally divided, and one-half of said amount expended on that portion West of the North Carolina Rail Road, and the remaining half expended on that portion of said road East of the North Carolina Rail Road.

How the  
Bonds are to  
be divided.

SEC. 5. *Be it further enacted*, That the individual subscriptions made West of the North Carolina Rail Road to the capital stock of said corporation, shall be expended on the western division, as above, and the money subscribed east of the North Carolina Rail Road, expended on the eastern division; the North Carolina Rail Road being the dividing line between the western and eastern divisions: *Provided*, That any individual or individuals may at any

Disposition  
of individual  
subscription.

time direct on which division of said road his subscription may be applied.

Land may  
be received in  
subscription.

SEC. 6. *Be it further enacted*, That the President and Directors of the said Western Rail Road Company are hereby authorized and empowered to receive, in payment of subscriptions to the capital stock of said corporation, land, in any quantity that may be offered by subscribers, and that the said corporation may have, hold, possess and enjoy the same, and that the said land may be sold or mortgaged for the purpose of raising money in such way, and on such terms, as may be deemed best for the interest of the stockholders.

SEC. 7. *Be it further enacted*, That this act shall be in force and take effect from and after its ratification.

Ratified the 25th day of February, A. D., 1867.

## CHAPTER XCVI.

AN ACT AUTHORIZING THE COMMISSIONERS OF THE TOWN OF HALIFAX TO GRANT THE RIGHT OF WAY THROUGH SAID TOWN, TO THE WILMINGTON AND WELDON RAIL ROAD.

Purpose of  
the privilege.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Commissioners of the town of Halifax be and they are hereby authorized and empowered to grant to the Wilmington and Weldon Rail Road Company the right of way through the town of Halifax, for the purpose of constructing a branch of said Road from some point, at or near the depot of said Road, in the town of Halifax, to some point at or near the steamboat landing on the Roanoke River, known as the Boat Landing of the town of Halifax.



SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D., 1867.

## CHAPTER XCVII.

### AN ACT TO AID THE WILLIAMSTON AND TARBORO' RAIL ROAD COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That the Justices of any county or the municipal authorities of any incorporated town in the State may subscribe to the capital stock of the Williamston and Tarboro' Rail Road Company, any amount the said Justices or municipal authorities may think proper, the question of subscription having been previously submitted and approved by a majority of the qualified voters thereof. Counties or municipalities may subscribe if approved by qualified voters.

SEC. 2. *Be it further enacted*, That to meet the payments of said subscriptions, the Justices or municipal authorities may issue bonds at such times and interest as they may deem most expedient, and the said authorities are empowered to levy taxes to pay the interest and principal of said bonds. Bonds to be issued for payment.

SEC. 3. *Be it further enacted*, That the Williamston and Tarboro' Rail Road Company are empowered and authorized to receive subscriptions to their capital stock from any and all incorporated companies, and all such companies are authorized to make such subscriptions in such manner and under such rules as the corporate authorities thereof may deem expedient. Corporation subscriptions.

SEC. 4. *Be it further enacted*, That the Public Treasurer is hereby authorized and directed to subscribe, on the part of the State, to the capital stock of said Company, such sum, not exceeding one hundred thousand dollars, as said Company may accept, within twelve months after the ratification. State shall subscribe its stock in Alabama and Chesapeake and Company amount \$100,000.

fication of this Act, and pay for the same in stocks held by the State in the Albemarle and Chesapeake Canal Company, at the par value thereof, and that the Treasurer shall take a certificate for the stock so subscribed.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 2d day of February, A. D., 1867.

## CHAPTER XCVIII.

AN ACT TO AUTHORIZE THE PRESIDENT AND DIRECTORS OF THE WESTERN NORTH CAROLINA RAIL ROAD COMPANY TO PUT SAID ROAD UNDER CONTRACT.

Preamble. WHEREAS, The charter of the Western North Carolina Rail Road Company requires the road to be built by sections, putting the light work under contract at the same time with the heavy work, greatly to the injury of the State and Company: Therefore,

Any portion of the road to Western terminus, &c., may be put under contract, when?

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the President and Directors of the Western North Carolina Rail Road Company are hereby authorized and empowered to put under contract, at any time they may deem advisable, any portion of said road to its Western terminus (Duck Town Copper Mines) embracing its branch down the French Broad River to Paint Rock. Whenever one-third the estimated cost of said portions or sections, (such portions or sections to embrace at least fifty thousand dollars worth of work at the estimated cost,) have been subscribed by solvent individuals, counties, corporations, or contractors, the Treasurer of the State is hereby authorized and directed to issue bonds of the State for the remaining two-thirds, as provided by an act passed at the present session of the General Assembly, (entitled

When individuals have subscribed one-third the Public Treasurer to issue bonds for two-thirds.



an Act "to enhance the value of the bonds to be issued for the Western North Carolina Rail Road, and for other purposes,") upon the certificate of the President of said Road to the Board of Internal Improvements, that the stock has been subscribed as above required; and from time to time, as the stock is thus subscribed and certified to by the President of the Company, the Treasurer of the State is authorized and directed to issue said bonds until the Road is completed.

SEC. 2. *Be it further enacted*, That the President and Directors of the said Western North Carolina Rail Road Company be and they are hereby authorized and empowered to issue bonds of the Company, (as provided by the second section of the above recited Act, passed at the present session of the General Assembly, and ratified on the 19th day of December, A. D., 1866,) at any time and sell the same and apply the proceeds arising from the sale of said bonds to the Main Trunk Road from the French Broad River, West, and the Branch down the French Broad River, equally in proportion to the length of each, and from time to time, as fast as any portion of said Road and its Branch is completed, to issue said bonds and sell and apply to said Road until it is finished to its Western terminus, (at or near Ducktown Copper Mines.)

President  
&c., empowered  
to issue  
bonds and ap-  
ply proceeds  
for main trunk  
&c.,

SEC. 3. *Be it further enacted*, That the Western North Carolina Rail Road Company are fully authorized and empowered to receive, in payment of subscription from individuals, corporations, companies, or counties, lands at such valuation as may be agreed upon at the time of subscribing, by the Company or its authorized agents on the one part, and such individuals, corporations, companies or counties as may subscribe to said Rail Road, with the understanding that payment is to be made in this way: *Provided*, That the stock subscribed in lands under this section, shall be fixed at a cash valuation in gold at the time of subscribing, and said lands to be held by the Company for sale at any time, or to be mortgaged by the Company to raise the amount subscribed on the part of individuals, companies, counties or corporations: *And provided*

Lands may  
be received as  
subscriptions.

Value to be  
fixed on gold  
basis.

*further*, That the State and Company are to have the benefits arising from the increased value of the lands so subscribed: *Provided, further*, That the State Treasurer shall not be called upon for the State subscription when the individual subscription is made in land, until the Directors shall have realized the estimated value in money.

No discrimination in rates of freight and travel against W. C. & Rutherford R. R.

SEC. 4. *Be it further enacted*, That there shall be no discrimination, by the authority of said Western North Carolina Rail Road Company, either in the rates of freight or travel, or in the running of trains, against the Wilmington, Charlotte and Rutherford Rail Road Company, from the point of connection between said roads, wherever they may be, westward.

SEC. 5. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D., 1867.

## CHAPTER XCIX.

### AN ACT TO ENABLE THE WESTERN NORTH CAROLINA RAIL ROAD COMPANY TO DISCHARGE ITS DEBT.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the President and Directors of the Western North Carolina Rail Road Company be, and they are hereby, authorized to issue the first series of the mortgage bonds of the Company, according to the provisions of the second section of an Act passed by the present General Assembly, entitled "An Act to enhance the value of Bonds to be issued for the completion of the Western North Carolina Rail Road," ratified the 19th day of December, A. D., 1866, to an amount not exceeding fifty thousand dollars, in order to discharge the present indebtedness of the Road.

President and Directors authorized to issue first series of mortgage bonds, under Act of Dec. 9, 1866.



SEC. 2. *Be it further enacted*, That said Bonds shall show upon their face what amount of the same will be ultimately <sup>Character of bonds.</sup> issued for every mile of said Road completed, and that the amount to be so issued shall be fixed by the President and Director of said Road.

SEC. 3. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 20th day of February, A. D., 1867.

## CHAPTER C.

### AN ACT TO INCORPORATE THE NORTH WESTERN RAIL ROAD COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a Company is authorized to be <sup>Corporate Name.</sup> formed with a capital stock of four millions of dollars, under the corporate name and style of the "North Western Rail Road Company," for the purpose of constructing a Rail Road with one or more tracks, to be used with steam and other motive power, from a point on the Tennessee line, near Cranberry Iron Works, in the county of Mitchell, to <sup>Route.</sup> some point on the Western North Carolina Rail Road, between the Newton Branch of the Western North Carolina Rail Road and the town of Marion, in McDowell county; and such Company, when formed, as hereafter directed, shall have power to receive, possess, own, transfer and convey real and personal property, to have a common seal, and to pass such by-laws, <sup>Corporate privileges.</sup> not inconsistent with the laws of the State, as may be necessary to carry out the object of the corporation, and shall be capable, in law, of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies, under the laws of this State, to condemn land, for right of way, and other purposes necessary to carry into effect the purposes

of said Company, and shall generally have and possess all the rights, privileges and immunities of corporate bodies in this State, and shall have the exclusive right to transfer and convey persons, produce, merchandise and minerals, on and along such Rail Road, at such prices as they may fix.

Commission-  
ers.

SEC. 2. *Be it further enacted*, That for the purpose of procuring subscriptions to the capital stock of said Company, John Hardin, John Hass, D. McD. Young, A. A. Wiseman, Robert Penland, and A. D. Childs, of the county of Mitchell, and Jonathan Horton, Jordan Council, William Horton and Henry Taylor, of Watauga county, and Joseph Conley, P. L. Brown, P. H. Greenlee, A. M. Erwin and Robert Burgin, of McDowell county, W. C. Erwin, W. S. Snodderth, W. F. McKesson, W. F. Avery and T. D. Carter, of Burke county, R. L. Patterson, E. W. Jones, James Harper, Joseph Norwood, N. P. Miller, John Hays and C. C. Jones, of Caldwell county, M. L. McCorkle, A. M. Powell and George Setzer, of Catawba county, R. F. Hoke, B. Guion and C. Childs, of Lincoln county, C. A. Hutchison and Thomas Sumner, of Rowan, G. W. Swepson, of Alamance, and James Taylor, P. P. Tipton and Elijah Simerly, of the State of Tennessee, are hereby appointed Commissioners, whose duty it shall be, as soon after the passage of this Act as they may deem proper, to appoint such Commissioners to open books of subscription at such places and at such times as to them shall seem best, and under such rules and regulations as they may prescribe.

Capital stock.

General meet-  
ing of Stock-  
holders.

SEC. 3. *Be it further enacted*, That the capital stock of said Company shall be divided into shares of one hundred dollars each, and that whenever the sum of two hundred thousand dollars shall have been subscribed to said capital stock, by solvent subscribers, whether individuals, corporations or counties, it shall be the duty of the Commissioners aforesaid to call a general meeting of the stockholders, after giving such notice as to them may seem sufficient, and at such times and places as they shall determine, and, at all general meetings of said stockholders, not less than a majority of all the stock subscribers shall constitute a



quorum for the transaction of business, and said stockholders, when so assembled, in general meeting, shall elect eight Directors, who shall each be the *bona fide* owner of at least five shares of stock, and said Directors, when elected, shall select from their own number a President; and in electing such Directors and in enacting such by-laws as may be necessary, each share of stock represented, either in person or by proxy, shall be entitled to one vote, but, if any person shall own more than sixty shares of stock, then such person shall have sixty votes, and two votes in addition to every three additional shares of stock: *Provided*, If a majority of such stockholders shall not attend said first general meeting, such as do attend and are present may adjourn from time to time, until a majority shall appear, and the Commissioners, or a majority of them, may call said stockholders together again, even though they adjourn *sine die*, a majority of the stockholders only being in attendance.

Directors.

Voting by  
shares.

SEC. 4. *Be it further enacted*, That it shall be the duty of said Stockholders, at their first general meeting, to prescribe the manner and time in which payments of stock on the subscription books shall be made: *Provided*, Not more than one-half of said subscription shall be called for in one year after said first general meeting.

Manner and  
time of pay-  
ment on stocks

SEC. 5. *Be it further enacted*, That it shall be the duty of the President and Directors of said Company, to appoint a Treasurer, who shall remain in office such length of time as the Company, in their by-laws, shall determine; and said President and Directors shall remain in office one year, and until others are chosen, and shall have a general direction and management of the affairs of said Company, and shall appoint some suitable person as engineer, whose duty it shall be to make the necessary survey for the location of said Rail Road and furnish the President and Directors with such survey or surveys and estimates of costs, and, with the aid of his subordinates, to superintend the construction of said Rail Road. Said Directors shall have power to fill any vacancy that may occur in their Board, and, in the absence of the President, to elect one for the time, and they may also appoint a Secretary, whose duty it shall be,

President  
and Directors.

if appointed, to keep a fair and correct record of the proceedings of said Board, and of all the proceedings of the Stockholders in general meeting, in a book to be provided for the purpose.

Annual re-  
port, &c.

SEC. 6. *Be it further enacted*, That the President, or Board of Directors, shall, at least once a year, make a full report on the state of the Company and its affairs to a general meeting of the Stockholders, and oftener, if required by any by-laws of the Company, and they shall also have power to call a general meeting of the Stockholders, whenever they deem it expedient, and the Company may provide, in their by-laws, for occasional meetings being called, and prescribe the mode thereof.

Counties and  
towns may  
subscribe.

SEC. 7. *Be it further enacted*, That all persons, the Justices of the County Court, (a majority concurring,) or the authorities of any incorporation, shall have full power and authority to subscribe to the capital stock of said Company, to the amount they shall be authorized to subscribe by the inhabitants of said county, or to an incorporated town, or the proper authorities of any other corporate body; and they may issue bonds or other evidence of debt, to enable them to borrow money to pay such subscription; and the said subscription, when made by any agent or agents of such county, town or corporation, properly authorized by them to make the same, shall be binding on such county, company or corporate body, in the same manner and to the same extent that it is on individual subscribers, and such body corporate, or company or county, may be represented in all general meetings of the Stockholders.

Lands may  
be subscribed.

SEC. 8. *Be it further enacted*, That said North Western Rail Road Company is authorized and empowered to receive in payment of subscription to its capital stock, from individuals, corporations or companies, lands located within twenty miles of the line of said Rail Road, on either side, at such valuation as may be agreed upon by the Company or its authorized agents on the one part, and such individuals, corporations or counties as may subscribe, to be paid in lands, of the other part.

SEC. 9. *Be it further enacted*, That said North Western Rail Road Company shall be authorized and empowered



to consolidate with, and assume the corporate name of, either of the following Rail Road Companies, viz: "The Western North Carolina Rail Road Company," "The Wilmington, Charlotte and Rutherford Rail Road Company," or "The East Tennessee and Western North Carolina Rail Road Company," upon such terms as may be agreed upon by the Stockholders of said North Western Rail Road Company and the Stockholders of either of the three Companies above named; *And that provided*, Said consolidation be effected with the last mentioned of the three companies, "The North Western Rail Road Company" shall be authorized to adopt the guage of said Company.

May consolidate with either of certain Roads.

SEC. 10. *Be it further enacted*, That said company may begin the construction of said road at any point on the line of location, and that for any portion of said road actually constructed, the said Company shall be entitled to all the privileges of this Act, into and over such part so constructed.

May commence construction at any point.

SEC. 11. *Be it further enacted*, That if the State of Tennessee, the State of Kentucky, or the State of Ohio, or the municipal authorities of the city of Cincinnati, or of the city of Louisville, shall subscribe five hundred thousand dollars in stock, or one eighth of the capital stock of said Company, then the Governor of either of these States, or the municipal authorities of either so subscribing, shall be authorized and empowered to appoint one Director.

Other States subscribing.

SEC. 12. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D., 1867.

## CHAPTER CI.

AN ACT SUPPLEMENTAL TO AN ACT PASSED BY THE PRESENT GENERAL ASSEMBLY ENTITLED "AN ACT TO INCORPORATE THE NORTHWESTEN RAIL ROAD COMPANY."

May issue  
mortgage  
bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the President and Directors of said Northwestern Rail Road Company be, and they are hereby, authorized and empowered to issue Mortgage bonds of the Company, running for such number of years, and bearing such rate of interest, as they may deem proper, or any other evidence of indebtedness, which may operate as a lien upon the land subscribed as stock in said Road, or upon the Road itself, or the personal property of the Company, or upon any portion of the estate of said Company, real or personal; and that lands may be subscribed as stock in said Company: *Provided,* They be within thirty miles of said Road, instead of twenty miles, as provided in the charter.

SEC. 2. *Be it further enacted,* That this Act shall be in force from and after its ratification.

Ratified the 2d day of March, A. D., 1867.

## CHAPTER CII.

AN ACT TO INCORPORATE THE FAYETTEVILLE STREET RAILWAY COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Edmund L. Pemberton, H. L.



Myrover, John M. Rose, Robert M. Orrell, Edwin Glover, Archibald McLean, Thomas S. Lutterloh, Wm. Mc. L. McKay and John D. Williams, and their associates, successors and assigns, be, and they are hereby, created a corporation and body politic, by the name and style of the Fayetteville Street Railway Company, and by that name and style may acquire, hold, possess and transfer real and personal estate, may contract and be contracted with, sue and be sued, plead and be impleaded, in any Court of record, have a common seal, with power to break and renew or change the same, and have perpetual succession and so continue until the 1st day of January, one thousand nine hundred.

Corporations.

Privileges.

SEC. 2. *Be it further enacted.* That said corporation shall have power to construct a street Railway and to run cars upon the track of the same, propelled by animal or other power, in any of the streets or alleys of the town of Fayetteville, for a distance of two miles from the market house, in said town, having first obtained permission for the use of said streets or alleys from the authorities of the town of Fayetteville, and for the use of that portion of the public highway, within the distance of two miles, but without the corporate limits of said town, from the Court of Pleas and Quarter Sessions of Cumberland county.

Powers.

SEC. 3. *Be it further enacted,* That the capital stock of said Company shall be fifty thousand dollars, with power to increase, from time to time, to seventy-five thousand dollars, divided into shares of one hundred dollars each.

Capital Stock.

SEC. 4. *Be it further enacted,* That said corporation shall have power to make all necessary by-laws and regulations for its government, not inconsistent with the laws and constitution of this State, and shall have power to appoint their officers and agents, to transact their business and conduct their operations, and to do all and every thing necessary and proper for the successful management of the operations of the same.

By-Laws.

SEC. 5. *Be it further enacted,* That at an annual meeting of the stockholders, in person or by proxy, shall be held in the town of Fayetteville, on such day in each year as may be appointed by said corporation, at which meetings proper

Annual meetings.

officers shall be appointed to conduct the business of said corporation, who shall hold their offices for one year, or until their successors are chosen ; but nothing in the clause shall be so constructed as to prevent general meetings of the stockholders whenever the interest of the corporation requires and under regulations relating thereto.

Savings  
Bank.

SEC. 6. *Be it further enacted*, That should said corporation find it to be their interest to establish a Savings Bank, as a separate department of its business, they are hereby authorized to receive on deposit, from time to time, such sum or sums of money as may be offered, and upon such terms and conditions as may be established by said corporation, and generally to deal in bonds, bills, bank bills, exchange, gold and silver coin and bullion, and currency generally ; but nothing herein shall be construed to authorize said corporation to issue bills, notes, or orders of a description or semblance of a bank note, or in a form adapted to, or intended for, circulation as a bank note. Should said corporation determine [to establish] such Savings Bank, it shall be kept separate and distinct from the Railway department ; and the General Assembly shall have the power to tax the business of the said Savings department, the same rate of taxation that may be levied on other Savings Banks in this State.

Record of  
proceedings to  
be kept.

SEC. 7. *Be it further enacted*, That said corporation shall keep a full record of all its proceedings, and shall produce the same in any Court of Justice, upon being thereto required, and that this Act shall be in force from and after its ratification.

Ratified the 12th day February, A. D., 1867.



## CHAPTER CIII.

AN ACT TO INCORPORATE THE YANCEYVILLE AND MILTON  
RAIL ROAD COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That a company, by the name and style of the "Yanceyville and Milton Rail Road Company," be, and the same is hereby, incorporated, with a capital stock of two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, for the purpose of constructing a Rail Road from Yanceyville, Caswell county, North Carolina, to some point on the Virginia line, at Milton, or such other point as may be selected by the President and Directors of said Company, with the aid of a competent engineer; and when formed in compliance with conditions hereinafter prescribed, to have a corporate existence as a body politic, for the term of ninety-nine years.

Capital.

SEC. 2. *Be it further enacted,* That for the purpose of creating the capital stock of said Company, the following persons be, and they are hereby, appointed general commissioners, viz: Hon. John Kerr, Samuel P. Hill, Dr. A. Gunn, James M. Neal, Wm. B. Bowe, L. Fels and N. M. Roan, at Yanceyville; Thomas A. Donaho, M. McGehee, William Smith and Samuel Walker, at Milton, and at such other places, and under the direction of such other persons, as a majority of the commissioners first above named may deem proper, for the purpose of receiving subscriptions to an amount not exceeding two hundred and fifty thousand dollars, in shares of one hundred dollars each.

General Commissioners.

SEC. 3. *Be it further enacted,* That the commissioners above named, and all other persons who may be hereafter authorized as aforesaid to open books of subscription, shall open the same at any time after the ratification of this act, first giving twenty days notice thereof, of the time and

Books to be opened.

place, and the said books, when opened, shall be kept open for the space of sixty days at least, and as long thereafter as the commissioners first above named shall direct, and the said first named commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock at any time, and from time to time as a majority of them may think proper, to make return of subscriptions of stock by them respectively received.

SEC. 4. *Be it further enacted*, That whenever the sum of fifty thousand dollars shall be subscribed in manner and form aforesaid, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared, incorporated into a company, by the name and style of the Yanceyville and Milton Rail Road Company, and, by that name, shall be capable, in law and equity, of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and acquiring the same by gift or devise, so far as shall be necessary for the purposes embraced within the scope, object and intent of their charter, and no further, and shall have succession, and by their corporate name, may sue and be sued, plead and be impleaded, in any Court of Law and Equity in this State, and may have and use a common seal, which they may alter and renew at pleasure, and shall have and enjoy all other rights and immunities which other corporate bodies may, and of right do, exercise, and make all by-laws, rules and regulations as are necessary for the government of the corporation or effecting the object for which it was created, not inconsistent with the constitution and laws of the State.

SEC. 5. *Be it further enacted*, That it shall be the duty of the commissioners named in this act for receiving subscriptions, or a majority of them, as soon as the sum of fifty thousand dollars shall have been subscribed in manner aforesaid, and five per cent paid to the commissioners aforesaid, to give public notice thereof, and at the same time to call a general meeting of the Stockholders, giving at least twenty days notice of the time and place of meeting; a majority of the Stockholders, being represented in person or by proxy, shall proceed to elect a President, Treasurer and

Corporate  
privileges.

General meet-  
ing of Stock-  
holders, &c.



seven Directors out of the number of Stockholders, and enact such by-laws as they may deem necessary for their government; and the said President and Directors shall have power to perform all the duties necessary in the government of the corporation and the transaction of its business; and the persons so elected shall serve one year only, and at that meeting of the Stockholders shall fix on the day and place when the subsequent election of President, Treasurer and Directors shall be held, and such election thenceforth be annually made; but if the day of annual election of officers should, under any circumstances, pass without an election, the corporation shall not thereby be dissolved, but the officers formerly elected shall continue in office until a new election takes place.

SEC. 6. *Be it further enacted*, That the Board of Directors may fill any vacancies, which may occur in it, during the period for which they have been elected, and, in the absence of the President, may appoint a President *pro tempore* to fill his place.

Directors fill  
vacancies.

SEC. 7. *Be it further enacted*, That the Board of Directors may call for the sum subscribed, as stock in said Company, in such instalments as the interests of said Company may, in their opinion, require; the call of such payment shall be published in one or more newspapers for one month, before the day of payment, and, on failure of any stockholder to pay each instalment, as thus required, the Directors may sell, at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said Company, by such stockholders, and convey the same to the purchaser at said sale; and if the sale of stock do not produce a sum sufficient to pay off the incidental expenses of the sale, and the entire amount owing by such stockholder to the Company, for such subscriptions of stock, then, and in that case, the whole of such balance shall be held as due at once to the Company, and may be recovered of such stockholder, or his executor, administrator or assigns, at the suit of said Company, or by the action of assumpsit in any Court of competent jurisdiction, or by warrant before a Justice of the Peace, when the sum does not exceed one hundred

Delinquent  
subscribers.

dollars; and in all cases of assignment of stock, before the whole amount has been paid to the Company, then, for all sums due on such stock, both the original subscriber and the first and all subsequent assigns shall be liable to the Company, and the same may be recovered as above described.

Certificates  
of stock. SEC. 8. *Be it further enacted*, That the said Company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the Company.

SEC. 9. *Be it further enacted*, That all contracts or agreements, authenticated by the President and Secretary of the Board, shall be binding on the Company, with or without a seal; such mode of authentication shall be used by the Company as may be prescribed by their by-laws.

Power to in-  
crease stock. SEC. 10. *Be it further enacted*, That for the purpose of constructing said Road, the said Company are hereby authorized and empowered, by a vote of the stockholders in general meeting assembled, to increase their capital stock to an amount sufficient, in their opinion, to effect the object, and to raise money by loan or otherwise, sufficient to complete and equip said Road, upon such securities and in such manner as the stockholders may direct.

Lands may  
be condemned SEC. 11. *Be it further enacted*, That when any lands or right of way be required by the said Company, for the purpose of constructing their Road, building ware-houses, water-stations, workshops, depositories, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at valuation to be made by a jury, of good and lawful men, to be summoned by the Sheriff of the county in which the land required by the Company may lie; and in making the said valuation, the said jury shall take into consideration the loss or damage which may occur to the owner or owners, in consequence of the land or the right of way being surrendered, and the benefit or advantage he, she, or they may receive from the construction of said Road, and shall state particularly the value and amount of each; and the excess of loss or damage over



and above the advantage and benefit shall form the measure of valuation of said land, or right of way: *Provided, nevertheless,* That if any person or persons, over whose land the said Road may pass, or the Company, may be dissatisfied with the valuation thus made, then, and in that case, either party may have an appeal to the next Court of the county, to be held thereafter, and the Sheriff shall return to the said Court the verdict of the jury, with all the proceedings thereon, and the lands or right of way, so valued by the jury, shall vest in the said Company, so long as the same shall be needed for the purposes of said Rail Road, so soon as the valuation may be paid, or, if refused, paid over to the Clerk of the County Court: *Provided, further,* That the right of condemnation shall not authorize the said Company to invade the dwelling house, yard, garden or graveyard of any individual without his consent.

SEC. 12. *Be it further enacted,* That the right of said Company, to condemn land in the manner described in the above section, shall extend to the condemnation only of one hundred feet on each side of the main track of the Road from the centre of the same.

Extent of  
condemnation

SEC. 13. *Be it further enacted,* That the said Company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise, produce and coal over said road, at just charges, as may be fixed on by a majority of the Directors.

Exclusive

SEC. 14. *Be it further enacted,* That the profits of the said Company, or so much thereof as the Board of Directors may deem advisable, shall, when the affairs of the Company will permit, be annually or semi-annually divided among the Stockholders, in proportion to the stock each may own.

Dividends.

SEC. 15. *Be it further enacted,* That notice of process upon the President, or any of the Directors thereof, shall be deemed and taken to be due and lawful notice of service of process upon the Company.

SEC. 16. *Be it further enacted,* That it may be lawful for the said "Yanceyville and Milton Rail Road Company" to make and issue bonds to an amount not exceeding

Bonds may  
be issued.

seventy-five thousand dollars, to be signed by the President of said Company under the common seal of the same, in sums of not less than five hundred dollars each, bearing interest, to be paid semi-annually, and redeemable in the year 1880.

Mortgage  
for payment of  
the same.

SEC. 17. *Be it further enacted*, That to secure the faithful payment of the said bonds, it may and shall be lawful for the President and Directors of the "Yanceyville and Milton Rail Road Company" to make, execute, and deliver to such person as the said Company may select and appoint, a deed of trust or mortgage, under the common seal of said Company, wherein shall be conveyed to the person they appointed trustee, the Road, property, income and franchises of said Company, acquired or to be acquired, conditional for the payment of the interest and final redemption of said bonds.

Justices of  
Caswell may  
subscribe  
\$100,000.

SEC. 18. *Be it further enacted*, That a majority of the Justices of the county of Caswell may, at any time, subscribe the sum of one hundred thousand dollars or any smaller sum they may see fit, to the capital stock of said Company, the same having been passed by a majority of the Justices, and ratified by a majority of the qualified voters, who shall vote at such time and place as a majority of the Justices shall appoint; and upon the ballots shall be written "For Subscription," or "Against Subscription;" and in case a majority of the votes of the county shall be cast for subscription, then the Justices of said county shall order the Chairman to issue county bonds, payable to said Company, in sums not less than five hundred dollars each, payable at such times and places as the majority of the Justices shall direct, and they are hereby vested with full power and authority to raise money by taxation to provide for the payment of the principal and interest of the bonds so issued.

Company  
may purchase,  
&c., real es-  
tate.

SEC. 19. *Be it further enacted*, That the said Company may purchase, have and hold in fee, or for a term of years, any land, tenements or hereditaments, which may be necessary for the said Road, or the appurtenances thereof, or for the erection of depositories, store houses, houses for the



officers, servants, or agents of the Company, or for work shops or foundries, to be used for said Company, or for procuring stone or other materials necessary to the construction of the Road, or for effecting transportation thereon.

SEC. 20. *Be it further enacted*, That all the officers of the Company, and servants and persons in the actual employment of the Company, be, and they are hereby exempt from performing ordinary militia duty, working on public roads and serving as jurors.

Employees  
exempt from  
militia duty,  
&c.

SEC. 21. *Be it further enacted*, That for the purpose of ascertaining the best route for said road, and to locate the same, it shall be lawful for said Company, by its engineers and agents, to enter upon, examine and survey, any lands that they may wish to examine for such purpose, free from any liability.

Routes to be  
surveyed.

SEC. 22. *Be it further enacted*, That if any person or persons shall intrude upon said Rail Road, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of the said Company, he, she or they, may be indicted for misdemeanor, and, upon conviction, fined and imprisoned by any Court of competent jurisdiction.

Penalty for  
intrusion on  
corporate  
rights.

SEC. 23. *Be it further enacted*, That if any person shall wilfully and maliciously destroy, or in any manner hurt or damage, or obstruct, or shall wilfully or maliciously cause, or aid or assist, or counsel and advise any other person or persons to destroy, or in any manner to hurt, damage, injure or obstruct the said road, or any bridge or vehicle used for, or in the transportation thereon, any water tank, warehouse or other property of said Company, such person or persons so offending shall be liable to be indicted therefor, and, on conviction, shall be imprisoned not more than six, nor less than one, month, and pay a fine of not exceeding five hundred dollars, nor less than twenty, at the discretion of the Court before which said conviction shall take place, and shall be further liable to pay all expenses for repairing the same, and it shall not be competent for any person so offending against the provisions of this clause, to defend himself by pleading, or giving in evidence, that he was the

Penalty for  
damage or ob-  
struction to  
the road.

owner, agent or servant of the owner of the land, when such destruction, hurt, damage, injury or obstruction was done, or caused to be done.

Salary of President. SEC. 24. *Be it further enacted*, That the salary of the President shall be fixed by the Stockholders in general meeting.

SEC. 25. *Be it further enacted*, That this Act shall be in force from and after its ratification, and shall be regarded as a public Act.

SEC. 26. *Be it further enacted*, That it shall and may be lawful for any corporation, in their corporate capacity, to subscribe stock in the said Company.

Ratified the 18th day of December, A. D., 1866.

## CHAPTER CIV.

### AN ACT TO AMEND THE CHARTER OF THE FAYETTEVILLE AND FLORENCE RAIL ROAD COMPANY.

Subscriptions made during the war to be scaled, &c. SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all subscriptions made to the capital

stock of this corporation, by individuals, during the war, shall be subject to the scale of depreciation of Confederate currency, at the time of making said subscription, and the amount of stock to be issued to said subscriber shall be according to the amount of money paid after applying the said scale ; that is to say, that the scale shall be applied both to the subscription and the stock, and that, in every instance when the subscribers, on account of this changed condition incident to the disastrous termination of the late war, may be unable to meet their subscriptions, the President and Directors may discharge such subscribers from the payment of any or all of said subscription, as they may deem just and reasonable, and that books of subscription and books re-

Scale to apply both to subscription and stock.

Where subscribers unable to pay, they may be discharged, and books reopened, &c.

may be kept open to the capital stock of said corporation



at the office of the Company, and such other places as the President and Directors may determine, and under the direction of such persons as they may name.

SEC. 2. *Be it further enacted*, That the President and Directors of the said Fayetteville and Florence Rail Road Company be, and they are hereby authorized, to issue first mortgage bonds to an amount not exceeding seven hundred thousand dollars, to be signed by the President of said Company, under the common seal of the same, in sums of from five hundred to one thousand dollars each, at such rates of interest as may be agreed upon and expressed on the face of said bonds, payable at the office of said Company, in the town of Fayetteville; the bonds payable in thirty years, and the coupons of interest payable semi-annually; and to secure the faithful payment of the same, it may and shall be lawful for the President and Directors of said Company to make, execute and deliver, to the parties negotiating the same, a deed of trust or mortgage, under the common seal of the Company, wherein shall be conveyed to the person or persons that may be appointed trustee, the road, property, income and franchises of said Company, acquired or to be acquired, conditioned for the payment of the interest and final redemption of said bonds.

Company may  
issue mort-  
gage bonds.

SEC. 3. *Be it further enacted*, That the Mayors and Commissioners of any incorporate town, the Justices of any County Court, or any Rail Road Company, with which this Fayetteville and Florence Rail Road may connect or the county through which it may pass, may subscribe to the capital stock of the same, or may guarantee the payment of or endorse the bonds in the preceding section authorized to be issued.

Incorporated  
towns, coun-  
ties, &c., may  
subscribe, or  
may endorse  
above bonds.

SEC. 4. *Be it further enacted*, That this act shall be in force and take effect from and after its ratification.

Ratified the 2nd day of March, A. D., 1867.

## CHAPTER CV.

AN ACT TO HARMONIZE AND GIVE THROUGH FREIGHT AND TRAVEL, WITHOUT THE EXPENSE OF TRANSFER, ON THE DIFFERENT RAIL ROAD LINES OF THIS STATE.

WHEREAS, It is manifestly to the interest of the people of the State to cheapen freight and travel : Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Directors representing, either in person or by proxy, the stock held in the various Rail Road Corporations of this State, be and th same are hereby authorized and empowered to enter into such agreements and terms with each other, as to secure through freight and travel without the expense of transfer of freight, or breaking the bulk thereof, at different points along the lines, and for this purpose may use the road or roads of said corporations or companies, and rolling stock thereof, on such terms as may be agreed upon by the Directors of said corporations or companies.

Directors of various Rail Roads authorized to make arrangements to give through freight and travel.

Western N. C. R. R. may connect with roads from Tennessee and Georgia.

Proviso.

SEC. 2. *Be it further enacted,* That the Western North Carolina Rail Road Company (through its Directors) is authorized and empowered to connect with the roads from the States of Tennessee and Georgia, upon such terms as may be agreed on between the companies of the respective roads and States : *Provided, however,* In making such connections, no discrimination shall be made against the Rail Roads or Sea-Ports of this State : *And, provided further,* That the said connections and terms under the provisions of this section shall be approved by the Legislature.

SEC. 2. *Be it further enacted,* That this Act shall be in force from and after its ratification.

Ratified the 2nd day of March, A. D., 1867.



## CHAPTER CVI.

AN ACT TO ENHANCE THE VALUE OF THE BONDS TO BE ISSUED FOR THE COMPLETION OF THE WESTERN NORTH CAROLINA RAIL ROAD, AND FOR OTHER PURPOSES.

WHEREAS, The Legislature of North Carolina, at its session of 1854-'55, passed "An Act, entitled an Act to incorporate the Western North Carolina Rail Road Company," and at its session of 1860-'61, an Act, entitled "An Act to amend the charter of the Western North Carolina Rail Road Company;" and, *whereas*, by the combined force of said Acts, the faith of the State of North Carolina was pledged for the payment of four millions of dollars in bonds of the State, a portion of which have already been issued; and, *whereas*, it is manifestly the interest of the people of the whole State, that the residue of the bonds, when issued, shall command a high price in market: Therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Public Treasurer be, and he is hereby, authorized and directed, whenever it shall become his duty under the provisions of said acts, passed at the sessions of 1854-'55 and 1860-'61, to issue bonds of the State to the amount of fifty thousand dollars, or more, to mortgage an equal amount of the stock which the State now holds in the North Carolina Rail Road, as collateral security, for the payment of said bonds, and to execute and deliver, with each several bonds, a deed of mortgage for an equal amount of stock to said North Carolina Rail Road, said mortgage to be signed by the Treasurer and countersigned by the Comptroller, to constitute a part of said bond, and to be transferable in like manner with it, as provided in the charter of said Western North Carolina Rail Road Company; and, further, that such mortgages shall

Public Treasurer to issue State Bonds, &c.

have all the force and effect, in law and equity, of registered mortgages without actual registry.

President  
and Directors  
to issue Bonds  
of the Com-  
pany.

SEC. 2. *Be it further enacted*, That the President and Directors of said Western North Carolina Rail Road Company be, and they are hereby, authorized and empowered, to issue bonds of the Company, running for such term of years as they may deem expedient, and bearing interest at a rate not greater than eight per cent. per annum, and to make, execute and deliver a deed or deeds of mortgage, conveying the whole or a portion of the right, title and interest of the Company, in any or all the estate, both real and personal, belonging to said Company, or in any manner pertaining to the same, to the purchaser or purchasers of said bonds of the Company, and conditioned for securing the payment of said bonds at maturity; and also to pledge the profits of said Company, or so much thereof, as may be necessary, for the payment of the interest on said bonds as it falls due; and said bonds shall be issued by said President and Directors, whenever it shall appear to them necessary, for the completion of said Road, to raise other funds in addition to the State's subscription, and the proceeds arising from the sale of said bonds shall be applied for the purpose of finishing the Road to its Western termini.

SEC. 3. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 19th day of December, A. D., 1866.

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## CHAPTER CVII.

AN ACT TO ENABLE THE WESTERN RAIL ROAD COMPANY TO COMPLETE ITS ROAD FROM THE COAL FIELDS IN CHATHAM COUNTY, TO SOME POINT ON THE NORTH CAROLINA RAIL ROAD.

WHEREAS, The Legislature of North Carolina, at its session of 1858 and '59, loaned to the Western Rail Road Com-



pany the sum of four hundred thousand dollars, for which sum the Public Treasurer exchanged the bonds of the State for the bonds of said Company, taking as security therefor a mortgage upon said Road and all its rolling stock, and property of every kind and description whatsoever; *and, whereas*, the Legislature, again, at its session 1860 and '61, loaned to said Company a further and additional sum of two hundred thousand dollars, making the indebtedness of said Company, to the State, six hundred thousand dollars; *and, whereas*, the interest of the present stockholders, as well as the State, would be promoted by the extension of said Road, from its present terminus on Deep River, to some point on the North Carolina Rail Road; now, therefore, to enable said Company to raise the amount necessary to accomplish so desirable an object, by a re-mortgage of said Road to some one or more capitalists, and an increase of its means by additional subscription to its capital stock:

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That the Public Treasurer be, and he is hereby authorized and directed to subscribe to the capital stock of the Western Rail Road Company the sum of six hundred thousand dollars, being the amount the said Western Rail Road Company is indebted to the State of North Carolina, and the Public Treasurer is hereby instructed to pay said Company, for the stock so subscribed, the bonds of said Company now held by the State, and that upon receiving a certificate or certificates of stock as aforesaid, that the Public Treasurer cancel and surrender to said Company the bonds held as aforesaid, together with the mortgage on said Rail Road and its property, thereby releasing said Western Rail Road from any and all liability to the State in consequence of said mortgage and indebtedness.

Pub. Treas.  
to subscribe  
\$600,000, &c.

SEC. 2. *Be it further enacted*, That so soon as said subscription shall be made by the Public Treasurer, and the certificate or certificates of stock of said Company, duly executed by the proper officers of said Company, shall have been delivered, then the mortgage on said Road, rolling stock, equipment and property of every kind and

Mortgage to  
be released.

description whatsoever, now held by the State, shall be released, and so becoming null and void shall forever be void and of no effect.

Company may  
issue mort-  
gage bonds  
for its com-  
pletion.

SEC. 3. *Be it further enacted*, That to enable such Company to raise the money necessary to construct and extend said Road to some point on the North Carolina Rail Road, to connect with said Road at such point as may be selected by the Western Rail Road Company, or by the President and Directors of the same, that said President and Directors are hereby authorized and empowered to issue the mortgage bonds of said Company in sums of not less than one hundred dollars each, and not exceeding in amount \$900,000, and to be negotiated at not less than par, and not to mature at an earlier period than thirty years, in sums of not less than one hundred dollars each, payable at such time and place, and at such rate of interest, not to exceed eight per cent. as may be authorized by said Company, and, to secure the payment thereof, may make a mortgage upon the Rail Road, and any and all of its property or income, in such manner and form as they may determine.

State and  
individual Di-  
rectors.

SEC. 4. *Be it further enacted*, That in all the meetings of the stockholders of said Company, the Governor shall appoint any one or more members of the Board of Internal Improvements to represent the interest of the State in said Company, or any individual stockholder, and in the election of the Board of Directors, the representative of the State shall elect and appoint four Directors, leaving the President and five Directors to be elected by the individual stockholders, thus giving the individual stockholders the balance of power in the control and management of the Road. Said President and Directors shall be stockholders at the time of their election in all cases.

SEC. 5. *Be it further enacted*, That any deed of mortgage, executed and delivered under the provisions of this Act, when registered in the county of Cumberland, shall be binding and valid to all intents and purposes, as if the same were registered in every county through which the said Road passes, or in which the property owned by the Company, and so mortgaged, or any partof it, is situate.



SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 20th day of December, A. D., 1866.

## CHAPTER CVIII.

AN ACT TO ENABLE THE WILMINGTON, CHARLOTTE AND RUTHERFORD RAIL ROAD COMPANY TO COMPLETE ITS ROAD, PAY ITS DEBT TO THE STATE, AND EXTEND ITS ROAD TO THE TENNESSEE LINE.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of supplying funds to enable the Wilmington, Charlotte, and Rutherford Rail Road Company to complete its road, and to discharge its debt to the State, the said Company shall have authority to borrow money by the issue of bonds or other evidences of debt, authenticated in such manner as the President and Directors of said Company may deem best, in sums not less than five hundred dollars, at a rate of interest not exceeding eight per cent., principal and interest payable at such time and place as said President and Directors may select, the bonds so issued not to exceed four million dollars.

Company  
authority to  
borrow, &c.

SEC. 2. *Be it further enacted*, That to secure the payment of these bonds, and other evidences of debt issued, as aforesaid, and the interest thereon, as the same may accrue, the said Wilmington, Charlotte and Rutherford Rail Road Company may execute and deliver mortgage deeds, signed by the President and Secretary of said Company, conveying its franchise and property, including its road bed, superstructure, choses in action, and real and personal estate of whatever kind; and the deed of mortgage, so executed and delivered, and registered in the county of New Hanover, shall have priority over any lien or other claim held by

To secure  
payment of its  
bonds, may  
execute mort-  
gage.

Proviso.

this State, on the subject matter so conveyed, it being the intent and meaning of this Act, that the mortgage under authority of this Act shall have the rights and powers of a first mortgage, and the State shall be in the position, and shall have the rights, of a second mortgagee only: *Provided*, That when the bonds of the Company to the amount of \$4,000,000 shall have been negotiated, the Company shall be required to pay the debt due the State, in bonds of the State at par, equal in value to the bonds issued to the Company.

The Company, in certain cases, to surrender privilege of further exchange of bonds.

SEC. 3. *Be it further enacted*, That in consideration of the powers granted by this Act, the said Wilmington, Charlotte and Rutherford Rail Road Company, on the acceptance of the same by a majority of its Stockholders, and on the execution of any first mortgage deed as above mentioned, shall be deemed and held to surrender and relinquish all privileges of further exchange of bonds with the State, conferred by the charter of said Company, or any amendment thereto.

Extension of Road.

SEC. 4. *Be it further enacted*, That the said Wilmington, Charlotte and Rutherford Rail Road Company shall have power to extend its road, by such routes as may be deemed best, to such point on the Tennessee line as the President and Directors may determine, and, to that end, shall have all the powers of condemnation of land, for right of way and other purposes, as are conferred by the charter of said Company.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 20th day of December, A. D., 1866.



## CHAPTER CIX.

## AN ACT TO AMEND THE CHARTER OF THE RALEIGH AND GASTON RAIL ROAD COMPANY.

WHEREAS, Under an Ordinance of the Convention, ratified on the — day of —, A. D., 1866, the State of North Carolina has sold and transferred all the stock owned by the said State in the Raleigh and Gaston Rail Road Company, and the said State has duly ceased to be a stockholder in the said Company, and is no longer entitled to appoint three Directors of said Company, nor to any other right as a stockholder in said Company, all the right and interest of the said State having passed to and become vested in the purchasers of the said stock; and, *whereas*, by the present charter of the said Company, the individual stockholders are entitled to elect only four of the seven Directors of said Company: Therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That the Stockholders of the said Company, at the regular annual meeting thereof, shall have power and authority to elect seven Directors of the said Company, each of whom shall be a stockholder in said Company, and shall be a citizen of the State of North Carolina, who shall constitute the Board of Directors of said Company, with power to elect one of their number President, and to manage all the affairs of said Company, and shall continue in office until their successors are elected. The President, with any three members of the Board of Directors, or, in the absence of the President, any four members of the Board, shall constitute a quorum for the transaction of business, and shall elect one of their number President *pro tem*. In case of vacancy in the office of President or Director, from death, resignation or otherwise, such vacancy shall be filled by the appointment of the Board

Individual  
Stockholders  
hereafter to  
elect the seven  
Directors.

Quorum.

Each share until the next annual meeting of the Stockholders. In the election of Directors, and whenever a vote by stock shall be taken, each Stockholder shall cast one vote for each share of stock owned by him, up to ten shares, and [one] vote for every three shares of stock owned by him over ten.

SEC. 2. *Be it further enacted*, That the third and fifth sections of the charter of said Company, ratified on the 25th day of December, A. D., 1862, and all other sections and parts of sections of the said charter, giving to the State any right or interest as a Stockholder in said Company, be and they are hereby repealed.

SEC. 3. *Be it further enacted*, That this Act shall go into effect from and after its ratification, and, upon the acceptance thereof by the Stockholders, representing a majority of the stock, at the first meeting thereof, and notice of such acceptance to the Governor of the State, it shall become and constitute a part of the charter of said Company.

Ratified the 4th day of March, A. D., 1867.

## CHAPTER CX.

AN ACT TO RE-ENACT AND CONFIRM THE CHARTER OF THE WILLIAMSTON AND TARBORO' RAIL ROAD COMPANY AND THE AMENDMENT THERETO.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the charter granted for the construction of the Williamston and Tarboro' Rail Road, by the General Assembly of this State, at their session of 1860 and 1861, and the amendment thereto, passed at the session of 1865 and 1866, are hereby re-enacted, granted and confirmed to said Company, with all their rights, privileges and franchises; and all acts that have been done under



said charter, since the close of the war, are hereby declared to be legal and valid to all intents and purposes.

SEC. 2. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified December 18th, A. D., 1866.

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## ROADS, FERRIES AND BRIDGES.

### CHAPTER CXI.

AN ACT TO AMEND SECTION 1ST OF CHAPTER 29TH OF THE LAWS OF NORTH CAROLINA, PASSED BY THE GENERAL ASSEMBLY OF 1865-'66, RELATIVE TO ROADS, FERRIES AND BRIDGES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That section 1st of chapter 29th of the above recited Act, be and the same is hereby amended by striking out "fifty," in 8th line, and inserting in lieu thereof "forty-five."

SEC. 2. *Be it further enacted*, That all laws and clauses of laws, coming in conflict with this Act, be and the same are hereby repealed; and that this Act shall be in force from and after its ratification.

Ratified the 11th day of December, A. D., 1866.

## CHAPTER CXII.

AN ACT TO APPOINT COMMISSIONERS TO IMPROVE THE ROAD FROM JOHN ALLEN'S TO THE TOP OF THE BLUE RIDGE, IN SURRY COUNTY.

Commission-  
ers.

Powers.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That C. McMickle, Jackson Lowe and Harrison M. Waugh, be appointed Commissioners to superintend the road from John Allen's to the top of the Blue Ridge in Surry county, and that they be and are hereby invested with full power and authority to summon hands to work said Road, and that any person now liable to work public roads, residing within six miles of said road in any direction, is, and shall be held, liable to work upon said road under a penalty of two dollars for each day they may fail to work the said road, to be recovered by warrant, before a Justice of the Peace: *Provided*, Said party shall first have had three day's notice of the time and place for working the same.

May open  
books of sub-  
scription.

SEC. 2. *Be it further enacted*, That said Commissioners shall have power to open books of subscription, and to receive subscriptions to the amount of one thousand dollars, to be expended in the improvement and repairs of said road.

Repeal of sec.  
2, of former  
Act.

SEC. 3. *Be it further enacted*, That the second section of an act, entitled "An Act to improve the road from John Allen's to the top of the Blue Ridge, in Surry county," ratified the 23d day of February, 1861, be and the same is hereby repealed.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its passage.

Ratified the 2d day of March, A. D., 1867.



## CHAPTER CXIII.

## AN ACT TO AMEND THE CHARTER OF THE WILMINGTON RAILWAY BRIDGE COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the charter of the Wilmington Railway Bridge Company, passed by an Ordinance of the Convention of the State of North Carolina, and ratified on the 23rd day of June, A. D., 1866, be so amended as to allow the said Wilmington Railway Bridge Company to connect with the Wilmington and Manchester Rail Road, the Wilmington, Charlotte and Rutherford, and the Wilmington and Weldon Rail Road, and also to allow said Railway Bridge Company to establish a depot on the South side of the Wilmington and Weldon Rail Road, on a lot of land not exceeding eight acres.

Amendment

SEC. 2. *Be it further enacted,* That the said Railway Bridge Company shall have power to enter forthwith on the lands necessary to construct its roads, but shall acquire no title thereto, until the damages therefor shall be paid: *Provided,* This section is not to be construed to repeal the "proviso" in the 14th section of the charter heretofore granted to the Wilmington and Raleigh Rail Road Company.

Conceding  
power to enter  
on lands ne-  
cessary for  
construction.

SEC. 3. *Be it further enacted,* That this act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D., 1867.

## CHAPTER CXIV.

AN ACT TO ENABLE THE BUNCOMBE TURNPIKE COMPANY TO  
SUBSCRIBE THE STOCK IN THEIR ROAD TO THE WESTERN  
NORTH CAROLINA RAIL ROAD.

Buncombe  
Turnpike  
Company may  
subscribe  
their Road to  
Western N. C.  
R. R., when?  
SECTION 1. *Be it enacted by the General Assembly of the  
State of North Carolina, and it is hereby enacted by the au-  
thority of the same,* That if the Western North Carolina  
Rail Road Company determine to build their Road on  
East banks of French Broad River, then the President and  
Directors of the Buncombe Turnpike Road shall have the  
right to subscribe the whole or any portion of their Road  
to the Western North Carolina Rail Road, upon such terms  
as may be agreed upon by the President and Directors of  
the Buncombe Turnpike Road and the President and Direc-  
tors of the Western North Carolina Rail Road.

Concerning  
Tolls.  
SEC. 2. *Be it further enacted,* That if only a portion of  
the Buncombe Turnpike Road be taken by the Western  
North Carolina Rail Road, then the Buncombe Company  
shall have the right to collect tolls on that portion of their  
Road not used by the Western North Carolina Road, col-  
lecting one-half of the tolls now allowed by law.

Right to sur-  
render char-  
ter.  
SEC. 3. *Be it further enacted,* That the Buncombe Turn-  
pike Company, if they desire to do so, shall have the right  
to surrender their charter, if the Western North Carolina  
Rail Road determine to take only that portion of the Bun-  
combe Turnpike Road North of Asheville to the Tennessee  
line.

SEC. 5. *Be it further enacted,* That this Act shall be in  
force from and after its ratification.

Ratified the 4th day of March, A. D., 1867.



## CHAPTER CXV.

AN ACT TO PROVIDE FOR KEEPING UP THE PUBLIC ROAD NEAR  
SAMPSON MOUNTAIN.

WHEREAS, The public road leading along that portion of the county line between Wilkes and Caldwell counties, near the Watauga county line, is so located as to run alternately in each of those counties with frequent changes from the one to the other, which makes it impossible to keep the same in repair by the ordinary provision for working on the public roads: Therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Courts of Pleas and Quarter Sessions of the counties of Caldwell and Watauga may each appoint one overseer, with such hands as said Courts may direct, to work on so much of said road as lies between the Watauga county line, near the White Rock Mountain, and Hugh Day's Gap, and said overseer shall divide said road into two sections, and designate the point of division in writing, to be returned to their respective County Courts; and upon the confirmation of said reports by the Courts, the same shall be held as the point to which the said jurisdiction of said Courts extends, and all hands failing to work on the portion assigned to either county, when made liable thereto by order of the respective Courts, shall be subject to all the penalties prescribed by law for failure to work on public roads.

Overseers to  
be appointed.

SEC. 2. *Be it further enacted,* That this Act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D., 1867.

## CHAPTER CXVI.

AN ACT TO AMEND AN ACT, ENTITLED AN ACT TO LAY OFF, LOCATE AND ESTABLISH A ROAD FROM THE TOWN OF STATESVILLE, IN THE COUNTY OF IREDELL, TO THE TOWN OF WILKESBORO', IN THE COUNTY OF WILKES.

Change in  
the list of  
Commission-  
ers.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in the fi st section of said Act, the names of Sidney Stokes, deceased, Steptoe Brunet, of the county of Alexander, and A. W. Jauneson, and John Davidson, be stricken out, and the names of R. W. Freeland, John Green, Azil Sharpe, Benjamin Kilby, and Thomas Watt, be inserted instead thereof.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.

Ratified the 2nd day of March, A. D., 1867.

## CHAPTER CXVII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO IMPROVE THE PUBLIC ROAD FROM TAYLORSVILLE TO BOONE, BY WAY OF RUSSELL'S GAP AND HOLDSMAN'S FORD.

Preamble. WHEREAS, The General Assembly, at its session of 1860 and 1861, did appoint R. S. Steele, of Alexander county, A. M. Foster and Lindsay Triplett, of Wilkes county, and John Cook, J. M. Council and Wm. M. Green, of Watauga county, as Commissioners to view, lay off, alter and amend the public road leading from Taylorsville, Alexander county, to Boone, Watauga county: *And, whereas,* the said John



Cook, J. M. Council, and Wm. M. Green, have since died :  
Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the above recited Act be and the same is hereby amended by striking out the names of John Cook, J. M. Council and Wm. M. Green, and inserting, in lieu thereof, Thomas Cook, Bartlett Brown and Nathan Horton. Change of  
Com mission-  
ers.

SEC. 2. *Be it further enacted,* That the Commissioners, appointed as aforesaid, shall have power to open books and receive subscriptions under such rules and regulations as they or a majority of them may deem necessary, in order to carry out the provisions of said Act. May open  
books of sub-  
scription.

SEC. 3. *Be it further enacted,* That this act shall be in force from and after its passage.

Ratified the 4th day of March, A. D., 1867.

## CHAPTER CXVIII.

AN ACT FOR THE CONSTRUCTION OF A BRIDGE ACROSS NOTLA RIVER, IN THE COUNTY OF CHEROKEE, AND FOR OTHER PURPOSES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That of the funds now in the hands of the Agent of the State for the collection of Cherokee Bonds, (Mr. Siler,) or may come into his hands, three thousand (\$3,000) dollars shall be set apart to build the Notla Bridge, on the Western Turnpike Road, in Cherokee county, and a sufficient amount to build and repair the Macon County Turnpike Road, in Macon county, and an equal amount that it takes to build and repair the Macon County Turnpike Road shall be set apart to the Tuckasegee and Cherokee  
bonds appro-  
priated.

Keowee Turnpike Road, in Jackson county. To build and repair said road, the agent is hereby authorized and required to set apart said amount for the above named Bridge and Roads in bonds, designating the bonds first and second class, according to their value, and each to have an equal amount of first and second class bonds, in proportion to the amount thus set apart by the Agent, subject to the order of the President of the Company to which they belong; the appropriation for the bridge aforesaid, subject to the order of the Chairman of Cherokee County Court, and the remainder of the bonds to be applied to the Tuckaseegee and Keowee Turnpike Road, in Jackson county, the Agent paying the full amount of the contracts now let on said Road, upon the order of the President of the Company.

Disposition  
of remaining  
funds.

SEC. 2. *Be it further enacted*, That after the aforesaid Roads and Bridges are repaired, and complete, any funds remaining in the hands of the Agents of the State, for the collection of Cherokee bonds, or may come into their hands from the entry of vacant lands, shall be applied to works of internal improvement in the county in which said lands are situated, and the said Agents are hereby authorized to pay the same to the order of the Chairman of the several County Courts.

Bonds arising  
from sale or  
entry of lands  
in Haywood  
county, how  
appropriated?

SEC. 3. *Be it further enacted*, That the provisions of the first section of this Act shall not apply to the Bonds now in the hands of the Agent, or which may come into his hands, arising from the sale or entry of lands in Haywood county; and that said bonds, if any, and all the vacant lands in said county, shall be applied to repairing and completion of the Jonathan Creek and Tennessee Mountain Turnpike Road, in Haywood county, and the remainder, if any, shall be applied to the completion of the Pigeon River Turnpike Road.

Amendment  
of Act of Feb.  
7, 1866.

SEC. 4. *Be it further enacted*, That an Act passed at the session of the General Assembly of 1865-'66, and ratified the 7th day of February, 1866, in relation to Cherokee Bonds, shall be so amended that the purchaser of insolvent Bonds shall be charged the entry price of said bonds at



the time the entry was made, the interest not to be counted, if any, on said Bonds.

SEC. 3. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 21st day of December, A. D., 1866.

## CHAPTER CXIX.

AN ACT TO AUTHORIZE A PUBLIC ROAD FROM THE TOWN OF SHELBY TO THE SOUTH CAROLINA LINE, AND THE CONSTRUCTION OF A TOLL BRIDGE AND DAM ACROSS BROAD RIVER.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That W. P. Love, Dr. W. J. T. Miller and Daniel Humphreys, be and they are hereby appointed Commissioners to lay out and establish a public road from the town of Shelby, in the county of Cleaveland, over the most practicable route in the direction of Spartansburg Court House, South Carolina, to the South Carolina line. Commission-  
ers.

SEC. 2. *Be it further enacted*, That said Commissioners shall proceed within six months from the passage of this Act, to lay out and locate the line of said road, and ascertain what amount of damages are claimed by the owners of lands over which the same is located and established, and they shall report to the first County Court which shall be held next after they shall have located the same, which Court shall appoint overseers, and assign hands to open said road. Duty of Com-  
missioners un-  
der the Act.

SEC. 3. *Be it further enacted*, That the County Court shall order a jury to assess all damages to the lands of citizens on account of the said road passing over the same, as in cases of other public roads: *Provided*, That if the damages claimed or assessed are, in the opinion of the Jury to as-  
sess damages  
to lands tra-  
versed by the  
Road.

Court, too great to be borne by the county, the Court shall use its discretion as to the time of opening said road : *Provided, further*, That if the damages reported by the Commissioners as claimed by citizens are such, as, in the opinion of the Court, the county cannot pay, the Court shall not be compelled to order a jury to assess the same.

Provisos.

Damages to  
be paid by the  
County.

SEC. 4. *Be it further enacted*, That the damages assessed and allowed by the Court shall be paid by the county, and the said road when opened shall be under the control of the County Court, as other public roads.

If Commis-  
sioners refuse  
to serve, Coun-  
ty Court shall  
designate oth-  
ers.

SEC. 5. *Be it further enacted*, That if the said Commissioners, or any of them, shall refuse to serve as such, the County Court shall designate proper persons to act in their stead. The road shall be of the same width as other public roads, shall be opened within twelve months from the passage of this Act, and by way of Palmer's Ford.

Toll Bridge  
and Dam  
across Broad  
River.

SEC. 6. *Be it further enacted*, That W. P. Love is hereby authorized to construct a Toll Bridge and Dam across Broad River at or near Palmer's Ford, in Cleveland county, which bridge shall be subject to the power of the County Court, as other Toll Bridges ; and the said bridge shall be constructed within two years from the passage of this Act.

SEC. 7. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 2d day of March, A. D., 1867.

## CHAPTER CXX.

AN ACT TO REPEAL AN ACT, ENTITLED "AN ACT TO PROVIDE HANDS TO WORK THE PUBLIC ROADS," RATIFIED THE 4TH DAY OF AUGUST, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Act of the General Assembly



of the State of North Carolina, ratified on the 4th day of August, 1861, entitled "An Act to provide hands to work the public roads," be, and the same is hereby, repealed. Repeal.

SEC. 2. *Be it further enacted*, That in addition to the exemptions named in chapter 101, Revised Code, that ministers of the gospel of every denomination, having pastoral charges, be, and they are hereby, exempt from working on roads. Ministers of the gospel exempt.

Ratified the 2nd day of February, A. D., 1867.

## CHAPTER CXXI.

AN ACT TO ESTABLISH A FREE FERRY ACROSS PAMLICO RIVER,  
OPPOSITE THE TOWN OF WASHINGTON, IN THE COUNTY OF  
BEAUFORT.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Samuel T. Carson, Thomas Cox, and Wm. B. Rodman, be, and they are hereby, authorized to establish and keep up a Free Ferry, across the Pamlico river, opposite the town of Washington, in the county of Beaufort, on the old Ferry road; that they be, and are hereby, vested with all the power and authority necessary to carry this Act into effect; to make all such rules and regulations as may be necessary; to lay off and set apart all the land necessary for said Ferry; to purchase or receive, by gift or otherwise, all the land and all such boats as may be necessary; that they shall have power, if necessary, to call upon the Sheriff of Beaufort county, to summon a jury to lay off said road and Ferry, if it should be necessary, and the report of said jury, filed in the office of said County Court, shall vest the title to the same in said Commissioners, for the use of the public. Corporate powers.

SEC. 2. *Be it further enacted*, That all laws and clauses of laws, coming in conflict with the provisions of this Act, be, and they are hereby, repealed : and this Act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D., 1867.

## SALARIES AND FEES.

### CHAPTER CXXII.

AN ACT TO AMEND AN ACT PASSED BY THE GENERAL ASSEMBLY AND RATIFIED ON THE 27TH DAY OF FEBRUARY, 1866, ENTITLED "AN ACT TO REGULATE SALARIES AND FEES."

Repeal of so much of former Act as allows Clerks, &c., 50 per ct. additional to fees in ch. 102, Revised Code.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That so much of the Act entitled "An Act to regulate Salaries and Fees," passed by the General Assembly, and ratified on the 27th day of February, 1866, as allows Clerks of the County and Superior Courts and Clerks and Masters in Equity fifty per cent in addition to the fees allowed in chapter one hundred and two, Revised Code, be and the same is hereby repealed, and that hereafter said officers shall receive the fees prescribed in said chapter one hundred and two, of the Revised Code, and no other.

SEC. 2. *Be it further enacted*, That all laws and clauses of laws, coming within the meaning and purview of this Act, be and the same are hereby repealed.

SEC. 3. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 14th day of February, A. D., 1867.



## SECRETARY OF STATE.

## CHAPTER CXXIII.

AN ACT TO AMEND AN ACT RATIFIED THE 1ST DAY OF FEBRUARY, 1865, ENTITLED "AN ACT TO AUTHORIZE THE SECRETARY OF STATE TO EMPLOY A CLERK."

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Act ratified the 1st day of February, 1865, entitled, "An Act to authorize the Secretary of State to employ a Clerk," be so amended as to limit the compensation of said Clerk to the sum of seven hundred and fifty dollars per annum, to be paid as other salaries, out of any monies in the Public Treasury not otherwise appropriated. Limits compensation.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.

Ratified February 22, A. D., 1867.

## SERVANTS, &amp;C.

## CHAPTER CXXIV.

AN ACT TO AMEND AN ACT PASSED AT THE SESSION OF THE GENERAL ASSEMBLY, A. D., 1866, CHAPTER 58, ENTITLED AN ACT TO PREVENT ENTICING SERVANTS FROM FULFILLING THEIR CONTRACTS, OR HARBORING THEM.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in addition to the remedy therein

Additional given, against the person and servant violating the provisions of said Act, such person and servant shall also pay a penalty. of one hundred dollars to any person suing for the same, singly or jointly, one-half to his use, and the other to the use of the Wardens of the poor of the county, where suit is brought, and the offender shall moreover be guilty of a misdemeanor, and fined, at the discretion of the Court, not exceeding one hundred dollars and imprisoned not exceeding six months.

Ratified the 25th day of February, A. D., 1867.

## WEIGHTS AND MEASURES.

### CHAPTER CXXV.

AN ACT TO REPEAL AN ACT PASSED BY THE LEGISLATURE AT ITS SESSION OF EIGHTEEN HUNDRED AND FIFTY-SIX AND FIFTY-SEVEN, CHAPTER 38TH.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in conformity with the Standard of Weights and Measures, prescribed by the Congress of the United States, and adopted by the Legislature of North Carolina, the first section of the 117th chapter of Revised Code be re-enacted.

Exception. SEC. 2. *Be it further enacted,* That the provisions of this Act shall not prevent the citizens of this State from buying and selling grain by measure, as may be agreed upon between the parties.

Conflicting portions of ch. 38, Acts of 56 7 repealed. SEC. 3. *Be it further enacted,* That all that portion of the Act of 1856 and 1857, chapter 38, coming in conflict with the provisions of this Act, be and the same is hereby repealed.



SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified March 1, A. D., 1867.

## CHAPTER CXXVI.

### AN ACT IN RELATION TO WEIGHTS AND MEASURES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the State Standard Keeper, to supply to each county which shall call for the same, such Standard Weights as the Standard Keeper of such county shall demand, duly sealed according to law, such county paying to the Public Treasurer the actual costs of such Weights, upon the certificate of the State Standard Keeper.

State Standard Keeper shall supply counties.

SEC. 2. *Be it further enacted*, That it shall be the duty of the State Standard Keeper to keep a book, in which he shall keep an accurate account of all the Weights and Measures by him delivered, and the expenses incurred by him in the purchase of such Weights and Measures, subject to the inspection of the Public Treasurer and the General Assembly.

Standard Keeper to keep a record.

SEC. 3. *Be it further enacted*, That the word Steel-Yards in chapter 117, section 5, Revised Code, shall be construed to embrace Balances or other instrument used in weighing.

The word "Steel-yard" to embrace Balances.

SEC. 4. *Be it further enacted*, That in every instance where the Standard Keeper shall have before him for adjustment, or shall find in the possession of any person, intending to use the same, any Weight or Measure that cannot be adjusted so as to meet the requirements of the law, it shall be the duty of the Standard Keeper to destroy the same.

Standard Keeper shall destroy Balances that can not be adjusted.

SEC. 5. *Be it further enacted*, That the 117th chapter Revised Code, entitled Weights and Measures, be amended

Amendment of chapter 117 Revised Code.

as follows : In section 2, fourth line, after the word "half-pound," insert " $\frac{1}{4}$  pound, 2 ounces, 1 ounce,  $\frac{1}{2}$  ounce." In section 3, seventh line, after the words "Yard Measure," insert "Guaging rod and Waists Sticks." In 12th line, same section, after the word "Peck," insert " $\frac{1}{2}$  peck,  $\frac{1}{4}$  peck and 1-8 peck."

SEC. 6. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 2nd day of March, A. D., 1867.

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## WILLS, &C.

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### CHAPTER CXXVII.

#### AN ACT RELATING TO WILLS, DEEDS AND OTHER PAPERS DESTROYED IN THE LATE WAR.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That when any Will, Deed or other instrument or paper, which may have been proved and ordered to be recorded or registered, shall have been destroyed during the late war, before it was recorded or registered, a copy of such Will, Deed, or other instrument or paper, so entitled to be admitted to record or registry, though not certified by any officer, shall, when the Court shall be satisfied of the genuineness thereof, be ordered to be recorded or registered, and shall be received in evidence whenever the original or duly certified exemplification would be ; and such copies may be proven and admitted to record or registry under the same rules, regulations and restrictions, as are prescribed in chapter 41, of the Acts of 1866, ratified the 3d day of February, 1866, entitled "An Act for the relief of such persons as may suffer from the destruction of the records, and

Concerning  
re-registry.



other papers of the several counties of this State, and for other purposes."

SEC. 2. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D., 1867.

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## WILMINGTON.

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### CHAPTER CXXVIII.

AN ACT TO ENABLE THE CITY OF WILMINGTON TO PROVIDE FOR THE PAYMENT OF THE DEBT OF SAID CITY, CONTRACTED PRIOR TO THE YEAR 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of paying, or providing for so much and such part of the debt due by the city of Wilmington, contracted prior to the 1st day of January, A. D., 1866, as the Board of Aldermen of said city shall determine, the city of Wilmington is hereby authorized and empowered to issue bonds of said city, severally of such sums or denominations, payable at such times or times respectively, drawing interest at such rate, not exceeding eight per cent. per annum, payable half yearly, of such form and tenor and transferable in such way as the Board of Aldermen of said city shall deem most judicious. The said bonds so to be issued shall not be disposed of, either by sale or in exchange, or substitution of any debt, contracted as aforesaid by said city, for less than par: *Provided*, That said bonds shall not be of a less denomination Bonds may be issued. than one hundred dollars. Denomination

SEC. 2. *Be it further enacted*, That the Board of Aldermen of the city of Wilmington are hereby authorized and

Provision for  
making pay-  
ment of said  
Bonds.

empowered, and it shall be their duty, to provide for the payment, as well of the principal money as also of the accruing interest of the bonds to be issued under the power granted in the preceding section, by annually laying particular taxes for these special purposes on all the persons and subjects of taxation on which said Board of Aldermen now are, or hereafter may be, authorized to lay taxes; for any purpose whatever; and such taxes shall be collected and specially and exclusively applied to the satisfaction and discharge of the interest, and also of the principal money of such bonds, and so much thereof as may not be annually required to pay such interest, and cannot be applied in discharge of the principal money of said bonds, shall be so invested as to secure the payment of such principal money upon the maturity of said bonds. For the purpose of ensuring the due investments of the amount to be collected from year to year and applicable as aforesaid to the payment of the principal money of said bonds, the Board of Aldermen aforesaid shall appoint some suitable person to be styled "Commissioner of the Sinking Fund of the city of Wilmington," whose duty shall be, under such general rules and regulations as said Board of Aldermen shall, from time to time, prescribe, to make investments of so much of the taxes collected as aforesaid as shall be applicable as aforesaid to the payment of the principal money of said bonds, and to do and perform all such other services in connection with the debt of the city of Wilmington as said Board of Aldermen may prescribe, and such Commissioner shall give such bond, and receive such compensation for his services, as said Board of Aldermen may determine.

Commissioner of Sinking Fund.

Restrictions.

SEC. 3. *Be it further enacted*, That none of the bonds authorized to be issued by the first section of this Act, shall be disposed of either by sale, exchange or otherwise, for any purpose whatsoever, other than that declared in said section; nor shall any of said bonds be applied either by sale, exchange or otherwise, in satisfaction, discharge or renewal of any one of the class of debts referred to in said section, until such debt shall have been first duly audited and ap-



proved by the Board of Aldermen, of the city of Wilmington.

SEC. 4. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D., 1867.

## WRECKS.

### CHAPTER CXXIX.

#### AN ACT TO PERMIT THE PEOPLE OF CURRITUCK COUNTY TO ELECT COMMISSIONERS OF WRECKS.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That so much of section second, chapter twelfth, of the Revised Code, entitled Wrecks, as authorize and empower the County Courts of Currituck county to appoint Commissioners of Wrecks for said county, be and the same is hereby repealed.

Repeals part  
of sec. 2, ch.  
12, Rev. Code.

SEC. 2. *Be it further enacted*, That under and according to the existing laws and regulations for holding elections for members of the House of Commons, it shall be lawful for the qualified voters in each and every Wreck District in Currituck county to vote for a Commissioner of Wrecks in their respective Districts, at the places where elections are now held, on the first Thursday in August, 1868, and every two years thereafter.

Commission-  
ers to be elec-  
ted by quali-  
fied voters.

SEC. 3. *Be it further enacted*, That the Commissioners of Wrecks, elected under the provisions of this Act, be required at the first Court of Pleas and Quarter Sessions held for said county, after said elections, to enter into bond, with good security, in the same sum, under the same conditions, and be in all respects subject to the performance of the

To give  
bond, &c.

same duties, and liable to the same disabilities, as are now imposed on Commissioners of Wrecks.

SEC. 4. *Be it further enacted*, That Commissioners of Wrecks, thus elected, be required to reside in the Districts for which they may be elected.

SEC. 5. *Be it further enacted*, That this Act shall be in force from and after the 1st day of January, 1868.

Ratified the 27th day February, A. D., 1867.

## WORK-HOUSES, &C.

### CHAPTER CXXX.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH WORK HOUSES OR HOUSES OF CORRECTION IN THE SEVERAL COUNTIES OF THE STATE," RATIFIED 2D DAY OF MARCH, 1866.

Preamble.

WHEREAS, The expenditures incident to the establishment, support and management of fit and convenient houses of correction, as provided in the Act referred to in the title hereto, are in many cases too great to be borne by one county, by reason, whereof, such counties will be deprived of the benefits which may result from the establishment of such houses of correction :

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That any two or more counties, acting through a majority of the Justices of their several and respective Courts of Pleas and Quarter Sessions, may jointly establish one or more fit and convenient Houses of Correction, as is provided in the first section of the Act referred to in the preamble hereto, for the joint use of the counties so agreeing together, and the same may be established at such place or places, and be in all respects managed

Two or more counties may jointly establish work-houses.



under such by-laws, rules and regulations, as a majority of the general Board of Directors, to be appointed as hereinafter directed, shall determine.

SEC. 2. *Be it further enacted*, That the Justices of the several Courts of Pleas and Quarter Sessions of each of the respective counties, agreeing as aforesaid to the establishment of one or more Houses of Correction for use jointly with any other county or counties, a majority of such Justices being present and concurring, shall annually appoint five Directors in behalf of their several counties, and the Directors so to be appointed by each of such counties shall together constitute the general Board of Directors of any such joint establishment; that the provisions of the second section of the Act referred to, so far as the duties of the Directors referred to herein are concerned, shall apply to the general Board of Directors aforesaid: *Provided, however*, that the quarterly [report] required to be made by said section of said Act shall be made by the Directors appointed by the several counties, to the courts by which such Directors are respectively appointed.

Directors.

SEC. 3. *Be it further enacted*, That said General Board of Directors shall appoint a Manager or Superintendent for every such joint establishment, and such assistants and servants, as they may deem necessary. The Manager shall give bond with two or more able sureties, to be approved by said Board, in such sum as may be required, payable to the State of North Carolina, and conditioned for the faithful performance of his duties. He shall hold his office during the pleasure of the General Board of Directors, and be, at all times, under their supervision; and of his misconduct, they shall be the sole judges, and they may at any time remove him. He shall perform all such duties as may be prescribed by such General Board of Directors, and all such as may be incident to the office of Manager by virtue of the act referred to in the title hereto, which may not be inconsistent with the provisions of this Act. The compensation of the Manager and such subordinate officers, assistants and servants, as may be appointed

Manager or  
Superintendent.

by the General Board, shall be fixed by said General Board.

Provisions of the Act of March, 1886, declared applicable.

SEC. 4. *Be it further enacted*, That all the provisions of the Act referred to in the preamble hereto, so far as the same are not inconsistent with the provisions of this Act, shall be considered and deemed, in all respects, applicable to the establishment, management, maintenance and support of any House of Correction, agreed to be established by two or more counties under the provisions of this Act.

SEC. 5. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D., 1867.

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#### MISCELLANEOUS.

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#### CHAPTER CXXXI.

#### AN ACT TO AUTHORIZE THE APPOINTMENT OF SPECIAL MAGISTRATES FOR INCORPORATED TOWNS IN CARTERET COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That the County Courts of Carteret county shall appoint at the first term after the first day of January in each year, one or more special Magistrates for each incorporated town in said county, who shall hold office for the term of one year, and shall receive such fees in civil and criminal cases as said Court may prescribe.

SEC. 2. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 14th day of February, A. D., 1867.



## CHAPTER CXXXII.

AN ACT TO ESTABLISH THE DIVIDING LINE BETWEEN THE TOWNS OF SALEM AND WINSTON.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That hereafter, the dividing boundary line, separating the incorporation of the town of Salem from the incorporation of the town of Winston, shall be located and established as follows, to-wit: Beginning in the Main street on the southern boundary line of Winston, running Line designated. thence on and along the south side of the street dividing said town in Easterly and Westerly directions, as far as the corporate limits of said towns extend, and that said towns shall respectively hold and exercise jurisdiction up to said line.

Ratified the 21st day of February, A. D., 1867.

## CHAPTER CXXXIII.

AN ACT TO REPEAL AN ACT PASSED AT THE SESSION OF 1865 AND 1866, TO ESTABLISH A BOARD OF COMMISSIONERS FOR THE PORT OF OCRACOKE AND HATTERAS INLETS AND ITS WATERS.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That an Act entitled "an Act to establish a Board of Commissioners of Navigation for the port of Ocracoke and Hatteras Inlets and its waters," passed at the session of 1865 and 1866, be and the same is hereby repealed. Repeal.

SEC. 2. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D., 1867.

## CHAPTER CXXXIV.

AN ACT FOR THE BENEFIT OF THE POOR OF THE COUNTY OF  
BLADEN, AND FOR OTHER PURPOSES.

Preamble.

WHEREAS, The late General James D. McKay, of Bladen County, by will, gave, for the benefit of said county, a large, valuable and improved body of land lying therein, known as the "Bellefont" plantation, for the purpose of establishing an experimental farm, upon which the county poor, and poor and indigent orphans may be sustained and employed: *And whereas*, in executing the trusts imposed by such devise, the county of Bladen has located at "Bellefont" its paupers, employing in labor, for the common support of all the occupants, so many of them as are able to work: *And whereas*, also, in carrying out the scheme which has been adopted for the management of such establishment, it is found necessary that the pauper children who have been placed there, or who may hereafter be placed there, shall be bound as apprentices to the persons who have its management: *And whereas*, it is a matter of doubt whether by the law now existing the court has power so to do: Therefore, for remedy,

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That the Court of Pleas and Quarter Sessions of Bladen county may bind, as apprentices to the Treasurer of the Wardens of the poor for Bladen county, for the time being, and his successors in office, all children, whether orphans or not, who have as above been placed upon the plantation at "Bellefont," or may hereafter be

Pauper children may be apprenticed.



placed there: *Provided*, That by such binding the county shall be held to assume for itself, as a county charge, all such duties and responsibilities as regards education, diet, clothing, accommodations, and all other matters that by law are imposed upon Masters in the cases of apprenticeship. Proviso.

SEC. 2. *Be it further enacted*, That in all cases of binding, as above, it shall be the duty of the Court to have entered upon its minutes the names and ages of all children that may be bound, and for a breach of any duty hereby imposed upon said county, any person injured may have an action against it in his own name, or, if an infant, by his next friend. Names, ages, &c., of children to be entered on record.

SEC. 3. *Be it further enacted*. That for the discharge of his official duties to such apprentices, the County Court may take bond from the Treasurer of the Wardens, payable to the Chairman of the County Court, with such penalties and such conditions as to it shall seem meet. Treasurer of Wardens to give bond.

SEC. 4. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 21st day of February, A. D., 1867.

## CHAPTER CXXXIV.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO ENCOURAGE THE RAISING OF SHEEP IN THE COUNTIES OF WATAUGA AND ASHE," RATIFIED THE 28TH DAY OF JANUARY, 1851.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the provisions of section first of an Act, entitled an Act to encourage the raising sheep, in the counties of Watauga and Ashe, be, and the same is hereby, so amended, as to extend to, and include, the counties of Alleghany, Ashe, Wilkes, Caldwell, Mitchell, Burke, Includes other specified counties.

Yancey, Henderson, Transylvania, Macon, Madison and Haywood.

SEC. 2. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D., 1867.

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## CHAPTER CXXXV.

### AN ACT TO AMEND SECTION 12, CHAPTER 52, OF THE REVISED CODE.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the twelfth section of the fifty-second chapter of the Revised Code be so amended, as to read, at "Laurinburgh," instead of "at the house of John Mallery."

SEC. 2. *Be it further enacted*, That this Act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D., 1867.



# RESOLUTIONS

OF A PUBLIC NATURE,

PASSED BY THE

GENERAL ASSEMBLY

OF

NORTH CAROLINA,

1866-'67.

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A RESOLUTION FOR THE BENEFIT OF THE SHERIFFS OF RANDOLPH, YADKIN AND BERTIE COUNTIES.

*Resolved*, That the Sheriffs of Randolph, Yadkin and Bertie counties be allowed till the first day of March, 1867, <sup>Sheriffs allowed to Mar.</sup> to settle and pay over the taxes due the State, from the <sup>1, to settle for</sup> counties afore-mentioned, for the year 1866, and that this resolution shall be in force from and after its ratification.

Ratified the 21st day of December, A. D., 1866.

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A RESOLUTION IN FAVOR OF THE PEOPLE OF LINCOLN COUNTY.

WHEREAS, In many counties in this State it is a difficult matter for the people to pay their taxes: *And, whereas*, the people of Lincoln county are especially in this unfortunate condition: Therefore be it Preamble.

*Resolved by the General Assembly of the State of North Carolina*, That the Sheriff of Lincoln county be allowed <sup>Sheriffs allowed to Feb.</sup> until the 15th day of February, 1867, to make return of the <sup>15, to make re-</sup> public tax due from said county. <sup>turn of taxes.</sup>

Ratified the 21st day of December, A. D., 1866.

RESOLUTION IN FAVOR OF THE SHERIFF OF RICHMOND  
COUNTY.

*Resolved*, That the Sheriff of Richmond county be allowed further time to settle the balance of taxes due from said county,—that is, until the 1st day of February, 1867.

Ratified the 21st day of December, A. D., 1866.

A RESOLUTION IN FAVOR OF STANLY COUNTY.

Preamble.

WHEREAS, On account of an unprecedented drought in Stanly county, during the last Summer, and the almost total failure of the crops therein, the citizens of said county must necessarily suffer from the want of the necessary supplies of food : *and, whereas*, owing to the great scarcity of money, it will be utterly impossible for the county to afford the necessary relief : Therefore, be it

Public Treasurer to loan said county \$3,000.

*Resolved*, That the Public Treasurer be, and he is hereby, authorized to loan, out of any monies in the Treasury not otherwise appropriated, to the county of Stanly, upon the application of a majority of the Justices of said county, the sum of three thousand dollars, (\$3,000,) to be appropriated by the Justices of said county in the purchase and distribution of supplies to relieve the wants of the suffering poor of said county.

Chairman of County Court to execute bonds therefor

*Resolved further*, That the Chairman of the Court of Pleas and Quarter Sessions shall first execute to the Public Treasurer, two bonds for fifteen hundred dollars each, one payable first of January, 1868, the other payable first January, 1869, bearing interest at the rate of 6 per cent. per annum.

Ratified the 29th day of January, A. D., 1867.



## RESOLUTION IN REGARD TO SHERIFFS AND TAX COLLECTORS.

*Resolved*, That all the Sheriffs and Tax Collectors in the State shall have until the 15th March next, to settle their taxes with the Public Treasurer. <sup>Allowed to March 15, to settle with Treasurer.</sup>

Ratified the 26th day of February, A. D., 1867.

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## RESOLUTION TO EXTEND THE TIME FOR THE COLLECTION OF TAXES IN THE COUNTY OF HALIFAX.

*Resolved*, That James S. Snow, Sheriff of Halifax county, be allowed until the 15th March next, to make his returns <sup>Sheriff allowed to Mar. 15.</sup> and settle his account with the Public Treasurer for taxes due by the people of said county, for the year 1866.

Ratified the 27th day of February, 1867.

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## RESOLUTION REJECTING THE PROPOSED AMENDMENT AS THE FOURTEENTH ARTICLE OF THE CONSTITUTION OF THE UNITED STATES.

*Resolved*, That the General Assembly of the State of North Carolina do not ratify the Amendment proposed as the fourteenth Article of the Constitution of the United States.

Ratified the 14th day of December, A. D., 1866.

RESOLUTION PROVIDING FOR THE PRINTING OF CERTAIN ORDINANCES.

*Resolved*, That the Secretary of State be instructed to have all the ordinances of the Convention of North Carolina, passed in sessions of 1865-'66, that are or may be in force at the close of the present session of the General Assembly, printed with the Acts of 1866-'67.

Ratified the — day<sup>12</sup> of December, 1866.

RESOLUTION IN RELATION TO THE TAX ON COTTON.

*Resolved*, That the Attorney General of the State be instructed to enquire into the legality of the Tax of three cents per pound imposed by an Act of Congress of the United States upon Cotton, and that if, in his opinion, the Tax be illegal, he take such steps as in his judgment may be necessary to test judicially the legality of said Tax.

Ratified the — day of Dec., A. D., 1866.

RESOLUTION WITH REGARD TO CONFEDERATE SOLDIERS DETAINED IN NORTHERN PRISONS.

*Resolved*, That the Governor be requested to enquire if there are any Confederate soldiers from North Carolina now detained in or near any Northern Hospital or Prison, unable from any wound, sickness or other cause, from returning home, and that he be empowered to take the necessary means to enable them to return home.

Ratified December 6th, A. D., 1866.



RESOLUTION PROVIDING FOR THE MARKING AND PROTECTING  
THE GRAVES OF NORTH CAROLINA SOLDIERS IN OAKWOOD  
CEMETERY, VIRGINIA.

*Resolved*, That the sum of one thousand dollars is hereby appropriated, from the Treasury of the State, out of any monies not otherwise appropriated, for the purpose of marking and protecting the graves of the soldier dead of North Carolina, interred at Oakwood Cemetery, near the city of Richmond, Virginia, and that the Governor be authorized to forward said sum to the proper authorities, take receipt for the same, and make report to the next General Assembly. \$1,000 appropriated.

Ratified the 2nd day of February, A. D., 1867.

RESOLUTION PROVIDING FOR COMMUTATION TO SOLDIERS WHO  
HAVE LOST ARMS IN THE MILITARY SERVICE.

WHEREAS, Under the legislation of the last General Assembly, the Governor made a contract for supplying an Artificial Arm, at the price of fifty dollars, to such soldiers as might be willing to supply themselves at their own expense: *And whereas*, The bill providing for supplying Artificial Arms, ratified on the 15th day of February, 1867, requires the Governor to make a new contract for the supplying of Artificial Arms, and in consequence of the time it will take to make such contract, no commutation can be paid for some time to come: Therefore, Preamble.

*Resolved*, That the price of commutation be fixed at fifty dollars, in favor of the soldiers provided for in said last mentioned Act, who may elect to take commutation instead of an Artificial Arm, and that said commutation be paid as soon as such election shall be made known to the Governor. Price fixed at \$50.

*Resolved further*, That this resolution take effect immediately after its ratification.

Ratified the 21st day of February, A. D., 1867.

RESOLUTION IN FAVOR OF THE SOLDIERS MAIMED IN THE LATE  
WAR.

**Preamble.** WHEREAS, The late General Assembly of the State of North Carolina did provide that every officer and soldier of this State, engaged in the late war, who had lost a leg, should be furnished with an artificial leg: *And, whereas,* the said General Assembly did further provide, that any of said officers or soldiers, who had lost a leg, and, at his own expense, had supplied himself with an artificial leg, should receive commutation in money, at the rate it cost the State to furnish an artificial leg: *And, whereas,* there are some who would prefer the commutation to the legs furnished by the State: Therefore be it

**Commuta-  
tion.** *Resolved by the General Assembly of the State of North Carolina,* That in all cases in which an officer or soldier of this State has lost a leg, arm, or both eyes, in the late war, he shall have the privilege, at his own option, to take an artificial leg or arm; the State shall furnish the commutation money at the rate it cost the State to furnish an artificial leg or arm: *Provided,* That where they have lost both arms or legs, they shall have double the amount.

Ratified the 22d day of February, A. D., 1867.

RESOLUTION IN REFERENCE TO DISABLED SOLDIERS.

**Preamble.** WHEREAS, The resolution of the General Assembly, ratified on the 22d instant, leaves it doubtful what sum shall be paid to a soldier who has lost both eyes in the military service of the Confederate or State Government: Therefore, to remove such doubts,

**SECTION 1.** *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That the sum to be paid to such soldier shall be seventy dollars.

\$70 allowed  
in case of loss  
of both eyes.



SEC. 2. *Be it further enacted,* That in all cases where a soldier in the Confederate or State service has had a leg or arm so paralyzed from wounds received while in the service, that the leg or arm has become useless, although it may not have been necessary to amputate the same, that in all such cases, when the Governor is satisfied that the leg or arm of the person above described are really useless, that the Governor shall order the Treasurer to pay to such invalid the sum of seventy dollars, as commutation for the loss of the leg, and fifty dollars for the arm.

Where the arm or leg disabled and useless, altho' not amputated, commutation allowed.

Ratified March the 1st, A. D., 1867.

RESOLUTION TO ASCERTAIN THE NAMES AND NUMBER OF WOUNDED AND DISABLED OFFICERS AND SOLDIERS RESIDING IN THIS STATE; THE NATURE OF THE WOUND AND DISABILITY; THE NAME AND NUMBER OF THE WIDOWS OF OFFICERS AND SOLDIERS KILLED OR DIED IN THE SERVICE; AND THE NUMBER AND AGES OF THEIR CHILDREN.

*Whereas,* Justice, humanity, and the plighted faith and honor of North Carolina, demand, at the hands of the people, that suitable provisions be made, according to the nature and extent of their wounds and disabilities, for the officers and soldiers of the late war, and for the widows and children of those who were killed and died in the service:

Preamble.

SEC. 1. *Be it therefore resolved by the General Assembly of the State of North Carolina,* That the Governor of the State be, and is hereby, authorized and requested to appoint one or more committees or persons in each county in the State whose duty it shall be to ascertain and report to him the name, age and occupation of every wounded and disabled officer or soldier of the late war, resident of the county; the nature of the wound, and the disability produced thereby; also the name of every widow of an officer or soldier who was killed or died in the late war; the number and age of the children of each officer or soldier killed or died in the

Governor to appoint Committees to ascertain and report, &c.

service ; which report the Governor shall cause to be collected, digested and elassified, and reported to the General Assembly at its next session, to the end that equal and impartial justice may be done to each.

Ratified the 2d day of Mareh, A. D., 1867.

RESOLUTION IN REGARD TO TAX AND FOR OTHER PURPOSES.

Gov. and  
Public Treas-  
urer to inves-  
tigate the mat-  
ter of the Di-  
rect Tax.

*Resolved*, That the Governor and Public Treasurer be authorized to adopt such measures as they may deem necessary, to ascertain whether the direct tax imposed upon the State of North Carolina, by the Aet of Congress of — August, 1861, has been levied and collected, so far as collections have been made, in pursuance of the Constitution, and in conformity with the requirements of the laws of the United States, and if they shall be of opinion that the course pursued by the Revenue Officers of the Government is without lawful authority, to seek the proper remedy by an appeal to the Treasury department, or to Congress or the Courts of the United States.

Governor au-  
thorized to ap-  
point Commis-  
sioners to  
Washington.

*Resolved further*, That the Governor shall have authority, at all times, when, in his opinion, the public interest shall require it, to select suitable persons to urge the consideration of the claims of the State for relief from the course of measures adopted by the Revenue Officers of the Government in relation to the direct tax aforesaid, and to represent the views of the people of North Carolina to the authorities at Washington, on all matters affecting the interest and character of the State, and that he be authorized to draw upon the Public Treasurer from time to time for such sums as may be necessary to the accomplishment of this purpose.

Ratified December the —, A. D. 1866.



RESOLUTION IN REGARD TO THE MESSAGE OF THE GOVERNOR  
AND THE REPORT OF THE PUBLIC TREASURER.

*Resolved*, That the Governor be requested, hereafter, to cause to be printed for the use of the General Assembly in advance of its session, ten copies of his message for each member, and two hundred copies for the use of the Executive Department, and that the Public Treasurer be instructed in like manner to cause to be printed of his report a like number of copies.

Ratified the 24th day of November, A. D., 1866.

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A RESOLUTION TO AMEND A RESOLUTION PASSED AT THE  
PRESENT SESSION OF THIS GENERAL ASSEMBLY.

*Resolved*, That the "Resolution in regard to the message of the Governor, and the report of the Public Treasurer," ratified the 24th day of November, 1866, be so amended as to include the report of the Comptroller of Public Accounts, and all other reports which can be printed previous to the meeting of the General Assembly.

Ratified the 10th day of December, A. D., 1866.

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RESOLUTIONS DECLARING THE LOYALTY OF THE CITIZENS OF  
NORTH CAROLINA.

*Be it resolved by the Senate and House of Commons of North Carolina*, That we, the representatives of the people of North Carolina, feel it to be an imperative duty to those we represent, under existing circumstances, when grave and important questions are pending in reference to the restoration of the State to the Federal Union, to vindicate the loyalty of the people of North Carolina, and to solemnly

declare, that, on accepting the issue of the late conflict of arms, and in submitting to the authority of the government of the United States, they did so in entire candor and good faith, which have been made manifest in the character and conduct of our people in relation to the Federal government; and they also declare, that all imputations or doubts, as to the loyalty and good faith of the people of North Carolina, are alike unjust to the people of the State and injurious to their true interests.

*Resolved*, That it is the most ardent wish of the people of North Carolina to be restored to all their constitutional right and relations under the Federal government, and that no honorable exertions shall be wanting on their part, or that of their constituted authorities, to accomplish that great end, which they believe to be identified with the permanent peace and prosperity of our whole country.

*Resolved*, That it is also the ardent wish of the people of North Carolina to be restored, not only to their constitutional relations to the Federal government, but to relations of peace and concord with all the people of the United States, that the differences of the past may be buried in oblivion, and that the good and patriotic of all sections of our country may unite in the restoration of our noble and excellent form of government, as the lasting pledge of peace and Union in the future, as it has been in the past.

Ratified the 22nd day of December, A. D., 1866.

RESOLUTION FOR THE BENEFIT OF THE INSTITUTION FOR THE  
DEAF AND DUMB, AND THE BLIND.

*Resolved by the General Assembly of North Carolina*,  
That the sum of twenty-four thousand, six hundred  
and fifty dollars, be, and is hereby, appropriated for the  
current expenses of the Institution for the Deaf, Dumb  
and the Blind, for the year 1868; and that the sum of five  
thousand dollars be appropriated to make good a deficiency

Appropriates  
\$24,650 for cur-  
rent expenses



for the year 1867; and that the further sum of seventeen hundred dollars be appropriated to liquidate outstanding liabilities incurred during the war; and that the Public Treasurer is hereby instructed to pay said sums out of any funds not otherwise appropriated, to the Treasurer of said Institution, upon the requisition of the President of the Board of Directors; and that this resolution shall be in force immediately after its ratification.

\$5,000 for a deficiency, and \$1,700 for outstanding claims.

Ratified the 22d day of December, A. D., 1866.

RESOLUTION PROVIDING FOR THE PAYMENT OF SHERIFFS HOLDING ELECTIONS.

*Resolved*, That the Treasurer of the State be authorized to pay the several Sheriffs of this State, for holding election for ratification or rejection of the proposed amendments to the Constitution of the State, as ordered by an Ordinance of the late Convention, and returns of the same; and that they be allowed the same pay as now allowed by law for holding elections and transmitting returns for election of Governor.

Same fees as now allowed by law.

Ratified the 21st day of December, A. D., 1866.

RESOLUTION AUTHORIZING THE GOVERNOR TO EXTEND THE PROVISIONS OF THE ACT GRANTING AMNESTY AND PARDON.

WHEREAS, An Act of Amnesty and Pardon has been enacted by the General Assembly: *And whereas*, There may be classes of persons who come within the spirit of said Act, but not within its letter; Therefore, be it,

*Resolved*, That the Governor of North Carolina be, and he is hereby, authorized to extend, by proclamation, the provisions of said Act, to such person or persons, as in his

judgment, the peace, quiet and good order of the State of North Carolina may require.

Ratified the — day of December, A. D., 1866.

RESOLUTIONS AUTHORIZING THE GOVERNOR TO ACCEPT THE  
AID PROFFERED BY THE U. S. GOVERNMENT.

*Resolved*, That the Governor be instructed, in order to ascertain the extent of the destruction in the several counties of the State, to open a correspondence with the Chairman of the Warden Courts in their respective counties, and report the result of such inquiry to the Chief Assistant Commissioner of the Freedmen's Bureau in this State.

*Resolved further*, That the Governor be authorized to do all other acts necessary to carry out the objects contemplated by the foregoing resolutions, and that each county shall make provision to pay the expenses of transportation, and all other expenses, upon such supplies as may be received for the benefit of the poor of such counties respectively.

Ratified the 7th day of December, A. D., 1866.

RESOLUTION IN REGARD TO PRINTING THE REPORTS OF RAIL-  
ROAD AND OTHER COMPANIES.

*SECTION 1. Resolved*, That in all cases where, by law, reports are made by Rail Road and other companies, to the Board of Internal Improvement, by said Board to be submitted to the General Assembly, the Secretary of State is hereby instructed, for the use of the General Assembly, and of the said Board of Internal Improvement, to contract with the respective companies, or otherwise, as may be best for the interest of the State, for the printing of six hundred copies of such reports.



SEC. 2. This resolution shall be in force from and after its ratification.

Ratified the 4th day of March, A. D., 1867.

RESOLUTION IN REGARD TO REPAIRS ON THE EXECUTIVE MANSION.

*Resolved*, That the Governor of the State be authorized to take such steps as he may deem proper to obtain rent of the National Government, for the use of the Public Building belonging to this State, and that such sum as he may secure be appropriated for the purpose of paying him rent for the term of his office, during which he has furnished his own residence; and that the sum of five thousand dollars be appropriated for repairing the buildings on the grounds of the Executive Mansion, and enclosing the same, and refurnishing the Mansion; and that the Governor be requested to supervise and direct the work on said repairs, and that he be instructed to draw his warrants for so much of said sum as may be necessary for the purpose.

Appropriates \$5,000.

Ratified the 2d day of March, A. D., 1867.

RESOLUTION TO AUTHORIZE THE GOVERNOR TO EMPLOY COUNSEL IN CERTAIN CASES.

WHEREAS, From the decision of the Supreme Court of this State, in favor of the State, in certain cases pending in said Court, involving the validity of the taxes levied under the Revenue Ordinance of the Convention, appeals have been taken to the Supreme Court of the United States, and it is important that the State should be represented in said Court,

Preamble.

*Resolved*, That the Governor be authorized to employ Power granted. counsel in behalf of the State in said cases ; and, likewise, in any other cases in which the interests of the State may be involved, and that he may draw his warrant on the Treasurer for the payment of the fees of the counsel.

*Resolved*, That this resolution shall be in force from and after its ratification.

Ratified the 4th day of March, A. D., 1867.

#### RESOLUTIONS PROPOSING THE CALL OF A NATIONAL CONVENTION.

WHEREAS, The people of the State of North Carolina have repeatedly declared, through their representatives, their desire that harmonious relations should be fully restored between this State and the United States, according to the Constitution of the United States, on terms alike safe and honorable to all parties ; and to effect such harmony, are willing, in a constitutional manner, to assent to any amendment of the Constitution of the United States, giving full indemnity and security for the peace and permanency of the Union, which may be constitutionally proposed, and whatever shall seem to them compatible with civil liberty and tending to promote the general welfare : *and, whereas*, by the 5th Article of the Constitution of the United States, it is declared that,

*Preamble.* "The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution, or on application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by three-fourths thereof, as the one or other mode of ratification may be proposed by Congress—and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."



Believing that no better mode can be devised to compose th : animosities growing out of the late war than that contemplated by the alternative proposition in said 5th Article of the Constitution of the United States : Therefore,

*Resolved by the General Assembly of the State of North Carolina,* That this State doth apply to the Congress of the United States, for the call of a National Convention, in which all the States, North, South, East and West, shall be represented according to the Constitution, to propose such Amendments to the Constitution as shall seem fitted to promote the general welfare, the peace, harmony and prosperity of the Union of the United States; which Amendments, when ratified by three-fourths of the several States, shall be valid, to all intents and purposes, as a part of the Constitution of the United States.

Application  
to Congress.

*Resolved further,* That the Governor of this State transmit to the President of the United States a copy of these resolutions, to be communicated to the Congress of the United States, and also a copy to the Governor of each of the States, with the request that the same be laid before the Legislature of each State of the Union.

Governor to  
transmit these  
Resolutions to  
the different  
States.

Ratified the 2d day of March, A. D., 1867.

RESOLUTION AUTHORIZING THE PUBLICATION OF THE REPORT OF DR. M. A. CURTIS, ON THE BOTANY OF NORTH CAROLINA.

*Resolved,* That the Governor of the State be authorized to publish, at the Institution of the Deaf and the Dumb and the Blind, the report of Dr. M. A. Curtis, on the Botany of North Carolina—said work being a part of the Report of the Geological survey of the State.

Ratified the 4th day of March, A. D., 1867.

RESOLUTION TO POSTPONE THE VALUATION OF THE LANDS OF  
THE STATE.

Preamble.

WHEREAS, In the opinion of the General Assembly, from the unsettled condition of the labor system in many parts of the State, and the uncertainty of our political condition, together with a scarcity of a circulating medium, and other causes, the valuation of the land of the State in the year 1867, will be, if carried into effect, altogether uncertain, and in many cases unreasonably low; and whereas it is believed, that it is more equitable to levy a low rate of Taxes on the valuation of 1860, with provision for valuation in case of extraordinary loss or gain, than to impose a higher rate on a new and depressed estimate: Therefore,

Repeals portion of Act of March, 1866.

*Resolved*, That so much of the Act for collecting Revenue, ratified March 12th, 1866, as provides for a re-valuation of the lands of the State in the year 1867, be repealed, and the Taxes on real estate in 1867 shall be imposed on the valuation thereof made in 1860, as modified under the provision for valuation in special cases by section 29 of the said act for collecting Revenue.

Ratified December 15th, A. D., 1866.

RESOLUTION CONCERNING THE PRINTING OF THE LAWS AND  
JOURNALS OF THIS GENERAL ASSEMBLY.

Public Printer to print the same in advance of the adjourned session.

*Resolved*, That the Public Printer be directed to complete the printing of the Laws and Journals of this General Assembly, as soon as practicable, after the adjournment on Monday next; and that the Secretary of State be directed to have the same bound and transmitted, according to law, together with the Ordinances of the Convention, without waiting for the adjourned session, ordered for the 3rd Monday in August next.

Ratified the 26th day of February, A. D., 1867.



## RESOLUTION IN FAVOR OF THE PUBLIC LIBRARIAN.

*Resolved*, That the Public Treasurer pay to O. H. Perry, Librarian, the sum of one hundred dollars for taking care of the Library, from the arrival of General Sherman's army until the appointment of Provisional Governor. \$100 for extra services.

Ratified the 15th day of February, A. D., 1867.

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## RESOLUTION CONCERNING THE PER DIEM AND MILEAGE OF THE OFFICERS AND MEMBERS OF THIS LEGISLATURE.

*Resolved*, That the Speakers of this General Assembly receive ten dollars per day each; each member six dollars per day; Principal and Assistant Clerks, ten dollars per day each; Enrolling Clerks, seven dollars per day each; Principal and Assistant Door-keepers, each seven dollars per day; and that each member and officer of this General Assembly, in addition thereto, shall be entitled to receive twenty cents per mile, coming from, and returning to, his residence, over the most direct road.

Ratified the 5th day of December, A. D., 1866.

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## RESOLUTION CONCERNING MILEAGE.

*Resolved*, That the members of this General Assembly draw mileage in coming to, and returning from, the same, at its adjourned session now holding.

Ratified the 19th day of February, A. D., 1867.

## RESOLUTION IN RELATION TO WEIGHTS AND MEASURES.

*Resolved*, That the Governor be authorized to set apart any room in the Capitol, not occupied by any of the officers of the State, as a receptacle, and for the safe keeping, of the balances to be furnished by the United States, for the adjustment of Standard Weights and Capacity Measures, and for all the Standard Weights and Measures belonging to the State, and to have such alterations and arrangements made in said room as he may deem necessary to adapt the same to the purposes intended ; and if he can find no such room in the Capitol, that he have a portion of the old Arsenal building fitted up for that purpose, and that he draw on the Public Treasurer, out of any money not otherwise appropriated, for the expense incurred.

*Resolved further*, That the Governor be authorized to appoint a suitable person to take care of such Balances and Weights and Measures, and perform the duties relating to Weights and Measures, now imposed by law on the Governor, and such other duties as the Governor may prescribe, touching said Balances and Weights and Measures ; and that he take from such person, a bond, with security, (to be approved by the Governor,) in the penal sum of five hundred dollars, for the safe keeping of said Weights and Measures, and for the performance of all his duties.

*Resolved further*, That such person be allowed such compensation for his services as the Governor shall deem adequate, not exceeding two hundred dollars a year, to be paid quarterly, on the warrant of the Governor.

*Resolved*, That these resolutions take effect from the date of their ratification.

Ratified the 15th day of February, A. D., 1867.



## RESOLUTION IN FAVOR OF THE CITY OF RALEIGH.

WHEREAS, By virtue of an Ordinance, No. 7, of the Convention of 1861-'62, passed at the third session thereof, and ratified the 30th day of January, 1862, the city of Raleigh, in her corporate name, subscribed for fifty thousand dollars of stock in the Chatham Rail Road Company, and, in conformity with the provisions of said Ordinance, duly executed and delivered to the Public Treasurer of the State, on the first day of April, 1863, forty-nine bonds, payable to the State of North Carolina, each for the sum of one thousand dollars, dated 1st January, 1863. payable twenty years after date, with interest at six per cent. per annum, payable semi-annually; and thereupon the said city authorized the said Chatham Rail Road Company to receive of and from the Public Treasurer the like amount of Coupon Bonds of the State, at the same rate of interest and running the same time, in part payment for said subscription for stock :

Preamble.

Whereupon the Public Treasurer of the State, on the said first of April, 1863, issued to the said Chatham Rail Road Company a receipt, obligating the State to issue to the said Company, when required, the like amount of State bonds as aforesaid, of which it appears that only fifteen thousand dollars worth have been issued, and that the said accountable receipt for the residue of said bonds, to wit : bonds for the sum of thirty-four thousand dollars, has been surrendered by the said Chatham Rail Road Company to the city of Raleigh, upon the terms set forth in the memorial of the said city to this General Assembly, so that the city is now entitled and empowered to demand and receive from the State the bonds for thirty-four thousand dollars : *and, whereas*, the city of Raleigh now asks of the General Assembly, instead of receiving of the State the said Coupon bonds of the State, to be allowed to surrender the said obligations of the State to issue the same, and to receive in place thereof the like amount of the said bonds of the city of Raleigh, in part of those now held by the State as aforesaid; now, therefore :

Public Treas-  
urer to deliver  
to the City of  
Raleigh cer-  
tain of its  
bonds on cer-  
tain condi-  
tions.

*Resolved*, That the Public Treasurer is hereby authorized and required, upon the surrender to him by the city of Raleigh of the said accountable receipt or obligation for thirty-four thousand dollars of bonds of the State, and cancelling the same, to deliver to the city of Raleigh, after cancelling the same, the like amount of bonds of the city of Raleigh, in part of those now held by the State.

*Resolved*, That the foregoing resolution shall take effect from and after its ratification.

Ratified the 2nd day of February, A. D., 1867.

RESOLUTION AUTHORIZING THE GOVERNOR TO PAY FREIGHTS  
ON SUPPLIES FURNISHED BY BENEVOLENT ASSOCIATIONS.

\$5,000 appro-  
priated.

*Resolved*, That the sum of five thousand dollars be set apart as a contingent fund, out of which the Public Treasurer shall pay, upon the warrant of the Governor, the freight on any supplies which may be sent by benevolent Associations from other States; and also any other expenses incurred by him, in the employment of Agents appointed by him, to transact and perform duties which he may deem the public interest requires, specifying in such warrants for what purpose they are issued.

Ratified the 9th day of February, A. D., 1867.

RESOLUTION TO INCREASE THE PAY OF THE GOVERNOR'S  
MESSENGER.

\$500 per an-  
num.

*Resolved*, That from and after 1st of January, 1867, the salary of the Messenger in the Executive office shall be at the rate of five hundred dollars per annum.

Ratified the 22nd day of February, A. D., 1867.



RESOLUTION AUTHORIZING THE COMMITTEE ON FINANCE TO BURN TREASURY NOTES AND COUPONS IN COMPTROLLER'S OFFICE.

*Resolved*, That the Committee on Finance be authorized and required to burn all the Treasury notes and Coupons counted by said Committee, in the Comptroller's office, and report the amount to this General Assembly.

Ratified the 1st day of February, A. D., 1867.

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RESOLUTION AUTHORIZING THE PUBLIC TREASURER TO EMPLOY COUNSEL IN CERTAIN CASES.

*Resolved*, That the Public Treasurer be authorized to employ counsel in certain cases pending in the Supreme Court, involving the legality of the Ordinance of the Convention, entitled "An Ordinance to raise Revenue for the year 1865," provided that the fees paid shall not exceed two hundred dollars. Fees not to exceed \$200.

Ratified the 26th day of January, A. D., 1867.

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RESOLUTION SENDING COMMISSIONERS TO WASHINGTON FOR CERTAIN PURPOSES.

*Resolved*, That three Commissioners be sent to Washington to inquire into the alleged necessity for the order, (lately issued by General Sickles,) with a view to remove such necessity, if any actually exists, and if it be otherwise, to correct the misapprehension with regard to the administration of justice in our State, which led to the supposed necessity; and that his Excellency, the Governor, be requested to act as the head of the Commission, and to select his associate Commissioners.

Ratified the 14th day of December, A. D., 1866.

A RESOLUTION OF THANKS TO HIS EXCELLENCY, THE GOVERNOR, AND OTHERS.

*Resolved*, That his Excellency, Jonathan Worth, and his Commissioners to Washington, Hons. Thomas Ruffin, David L. Swain and Nathaniel Boyden, appointed under a resolution of this General Assembly, are entitled to the thanks of this General Assembly, and of the people of the entire State, for the prompt, able and satisfactory manner in which they have accomplished the object of their mission.

*Resolved*, That the Governor be, and he is hereby, authorized, to issue his warrant on the Public Treasurer for the expenses incurred by the Commission.

Ratified the 21st day of December, A. D., 1866.

RESOLUTION IN REGARD TO THE CAPE FEAR NAVIGATION COMPANY.

*Resolved*, That the Solicitor of the 5th Circuit be authorized to file an information in the Superior Court of Cumberland, in the nature of a "*quo warranto*," against the Cape Fear Navigation Company.

Ratified the 1st day of March, A. D., 1867.

RESOLUTION IN REGARD TO THE NORTH CAROLINA RAIL ROAD COMPANY.

*Preamble.* WHEREAS, The State of North Carolina is heavily interested as a Stockholder in the North Carolina Central Rail Road Company, and whereas great abuses and extravagances are said to prevail in the management of said Company : Therefore,



*Resolved*, (The Senate concurring,) that a committee of four be appointed, to consist of two on the part of each House, whose duty it shall be to examine the books, enquire into the alleged abuses, and the general management and condition of said Road, with power to send for persons and papers, and that they report to the next session of this General Assembly, and that the committee have leave to sit during the recess. Committee of enquiry.

Ratified the 21st day of December, A. D., 1866.

RESOLUTION IN FAVOR OF THE JOINT SELECT COMMITTEE ON  
THE AFFAIRS OF THE NORTH CAROLINA RAIL ROAD COM-  
PANY.

WHEREAS, The Joint Select Committee appointed by this General Assembly, to investigate the affairs of the North Carolina Rail Road Company, were necessarily engaged during the late recess of the Assembly, and were also under the necessity of visiting certain points on the Road: Therefore be it,

Preamble.

*Resolved*, That the Treasurer of the State be instructed to pay to the said Committee the same per diem, while so engaged, as is allowed by law to members of this General Assembly.

Per diem.

Ratified the 1st day of March, A. D., 1867.

RESOLUTION CONCERNING THE JOINT SELECT COMMITTEE ON  
THE NORTH CAROLINA RAIL ROAD COMPANY.

*Be it resolved by the General Assembly of the State of North Carolina*, That the Joint Select Committee to examine the books, enquire into alleged abuses, and the general

Committee continued.

management and condition of the North Carolina Rail Road, be continued, and that they report to the adjourned session of the General Assembly, and the Committee be invested with all the powers with which they have been heretofore invested.

Ratified the 2d day of March, A. D., 1867.

















